

Arizona Criminal Justice Commission

Office of the Executive Director

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the Criminal Justice System in Arizona



Legislative Summary

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ARIZONA CRIMINAL JUSTICE COMMISSION



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2006 Legislative Summary Arizona Criminal Justice Commission

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Arizona Criminal Justice Commission 2006 Legislative Report

The second session of the 47th Arizona State Legislature proved to be busier than the first, with sine die called on June 22, 2006. There were 1,453 bills posted, with 438 bills passing through both the Senate and the House. Of those 438 bills, 395 were signed into law and 43 were vetoed. The Arizona Criminal Justice Commission tracked more than 300 bills that affected the criminal justice system.

The hottest topics in criminal justice were illegal immigration, methamphetamine interdiction and treatment, identity theft, and sex offenders. The legislature and the governor did not come to agreement on many of the issues regarding illegal immigration. Only one bill relating to illegal immigration enforcement was signed into law, H2580, Illegal Aliens; Incarceration; Bail. The legislature appropriated funding for methamphetamine treatment, prevention and interdiction (H2554). Also, numerous bills were passed that strengthened the ability to enforce and prosecute identity theft violations. Similarly, several bills were passed that placed further restrictions on sex offenders.

Bills that will have a direct impact on ACJC

The Arizona Criminal Justice Commission sought sponsorship for one bill this session: **S 1038, Arizona Criminal Justice Commission; duties**. This expands the Arizona Criminal Justice Commission's (ACJC) ability to accept and expend grant monies to prosecute and adjudicate all crime, rather than only serious offenses listed under ARS 13-604. This was a technical change.

There were other bills that passed that will have a direct impact on the Arizona Criminal Justice Commission.

H2229, Peace Officers Memorial Board; Composition, adds six members to the Arizona Peace Officers Memorial Board: the director of the Department of Corrections; the executive director of the Arizona Criminal Justice Commission; two family members of peace officers who lost their lives in the line of duty; and two members from a statewide organization representing law enforcement personnel.

H2554, Substance Abuse Treatment; Meth Interdiction; Appropriations, was a last-minute striker that appropriated \$3 million from the state general fund in fiscal year 2006-2007 to the Arizona Criminal Justice Commission for distribution by population to each county board of supervisors for increased methamphetamine interdiction efforts including investigation, training, prosecution, abuse treatment or education programs. The legislative language is vague, and staff is working with the bill's sponsor to clarify legislative intent for the distribution of the funds.

S1052, the Victim Compensation and Assistance Fund, requires the Arizona Criminal Justice Commission to include in its rules that a person who suffers personal injury or death while attempting to aid a peace officer in stopping a crime may qualify for victim compensation.

S1324, Schools, Mental Health Screening, passed as a striker. It requires a school district or charter school to obtain the written consent of a pupil's parent or legal guardian on the form prior to conducting a mental health screening. This includes anonymous surveys. This is a concern to ACJC's Statistical Analysis Center because this legislation will require an opt-in provision for the SAC's Arizona Youth Survey (AYS). The AYS is a biannual survey and report on youth substance abuse that is legislative mandated. ACJC has a commitment from the committee chair and will work with the bill's sponsor to amend the legislation to exclude ACJC's AYS next session.

Other bills under consideration in 2006

There were other bills that, had they been signed into law, would have had an impact on the Arizona Criminal Justice Commission. These are included in this report because the issues may be ongoing and may return in future legislative sessions.

S1158, Appropriation; Illegal Immigration; Enforcement, sought to appropriate \$75 million in FY 2006-07 to the Arizona Criminal Justice Commission (ACJC) to award grants (\$15 million total per year over five years) to apprehend persons who are in the state illegally in possession of a dangerous drug, precursor chemicals used to manufacture methamphetamine, a deadly weapon, a dangerous instrument or items used for terrorism. This was an appropriations bill that accompanied S1157, Trespassing by Illegal Aliens, which sought to establish the crime of trespassing by illegal aliens, with prescribed penalties. S1157 was vetoed by the governor, and S1158 became a striker bus.

ACJC-tracked legislation

The following pages provide brief summaries of the legislation that ACJC tracked over the second session of the 47th Arizona State Legislature. This includes bills that were signed into law, bills that failed to pass the state legislature and bills that were vetoed by the governor. The summaries include the status of the bill, the ARS title affected and the bill's original sponsor(s). Please note: bills that are amended during the process may not be supported by the original sponsor. This is particularly true with striker bills in which all original language is stricken from the proposed bill and new language is inserted. Often, the new language has nothing to do with the original intent of the bill. Summary information in this report was gathered from the Arizona Legislative Information Services (ALIS) online (<http://www.azleg.state.az.us>). Hyperlinks to the bill information on ALIS are included in the electronic version of this report. Any questions regarding this report should be directed to Mary Marshall, ACJC Public Information Officer, at mmarshall@azcjc.gov or at 602/364-1146.

2006 SENATE BILLS

The following section includes Senate bills that were signed into law, bills that failed to pass the state legislature, Senate concurrent resolutions and bills that were vetoed by the governor. The summaries include the status of the bill, the ARS title affected and the bill's original sponsor(s). **Please note:** bills that are amended during the process may not be supported by the original sponsor. This is particularly true with striker bills in which all original language is stricken from the proposed bill and new language is inserted. Often, the new language has nothing to do with the original intent of the bill.

Bills that passed

S1027: CHOP SHOPS; VEHICLE THEFT

Classifies the buying, selling, transferring or possession of any motor vehicle part with a removed, defaced or otherwise altered VIN number that was placed on the part by the manufacturer as a class 4 felony.

Primary sponsor: Sen. Jarrett. Co-sponsor: Sen. Harper.
Signed by the governor, 4/10. Chapter 73.
ARS Titles Affected: 13.

S1038: ARIZONA CRIMINAL JUSTICE COMMISSION; DUTIES

Expands the Arizona Criminal Justice Commission's (ACJC) ability to accept and expend grant monies to prosecute and adjudicate all crime, rather than only serious offenses listed under ARS 13-604.

Primary sponsor: Sen. Waring.
Signed by the governor, 3/31. Chapter 28.
ARS Titles Affected: 41.

S1039: VOYEURISM; SURREPTITIOUS VIEWING

Establishes the crime of voyeurism and modifies the crime of surreptitious photographing, videotaping, filming or digitally recording. Defines voyeurism as the knowing invasion of the privacy of another person without the knowledge of the other person for the purpose of sexual stimulation.

Primary sponsor: Sen. Waring.
Signed by the governor, 4/17. Chapter 146.
ARS Titles Affected: 13.

S1047: COURTS; PERSONNEL AND VOLUNTEERS; FINGERPRINTING

Allows the courts to acquire fingerprints from contract workers and volunteers in the judicial department to enable the court to perform a criminal background check.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Anderson, Gallardo, Lujan, McComish, Nelson, Sinema, Sen. Cannell.
Signed by the governor, 4/10. Chapter 74.
ARS Titles Affected: 12.

S1048: SERIOUS DRUG OFFENSES; DEFINITION

Includes the attempt or conspiracy to commit a violation of various drug offenses in the definition of a "serious drug offense."

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/17. Chapter 147.
ARS Titles Affected: 13.

S1050: PRIOR CONVICTIONS AND ADMISSIONS; SENTENCING

In determining aggravating factors at sentencing, provides that the court, instead of the trier of fact, must determine whether a person has been previously convicted of a felony within the 10 years preceding the date of the offense.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/17. Chapter 148.
ARS Titles Affected: 13.

S1051: VICTIMS' RIGHTS; CLEANUP

Repeals duplicate statutes relating to victims' rights signed into law during the 2005 legislative session: ARS 8-241, which requires a judge to read a prescribed statement at the time that each victim first appears in the court in order to assure that any victim who comes before the juvenile court has been advised of the victim's rights; and ARS 13-4402.01, which allows a person to exercise all rights granted to a victim of a criminal offense if the offense against the victim has been charged, but the count/counts were dismissed because the defendant accepted a plea agreement to other charges.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/6. Chapter 46.
ARS Titles Affected: 8, 13.

S1052: VICTIM COMPENSATION AND ASSISTANCE FUND

Required the Arizona Criminal Justice Commission to include in its rules that a person who suffers personal injury or death while attempting to aid a peace officer in stopping a crime may qualify for victim compensation.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/17. Chapter 149.
ARS Titles Affected: 41.

S1053: PROBATION; EXTENSION

Requires the court to extend the period of probation by the amount of time the Arizona Department of Corrections (ADC) approves temporary release, if community supervision is waived and the person is temporarily released. Prevents ADC from adding the amount of time for the inmate's temporary release to the inmate's term of community supervision, if the community supervision is waived.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Anderson, Gallardo, Lujan, McComish, Sinema, Sen. Cannell.
Signed by the governor, 4/21. Chapter 182.
ARS Titles Affected: 13, 31.

S1072: CIVIL LIABILITY; PRESUMPTIONS; POLICE TOOLS (~~STANDARD INCOME TAX DEDUCTION; AMOUNTS~~)

Striker. Establishes presumptions that apply to civil liability actions or claims against a peace officer or victim if a person is harmed while the person is attempting to commit, committing or fleeing after having committed or attempted to commit a felony criminal act.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Gorman.
Signed by the governor, 5/4. Chapter 254.
ARS Titles Affected: 43.

S1092: JUVENILE CORRECTIONS; MEDICAL SERVICES

Establishes a reimbursement methodology for inpatient hospital admissions and outpatient hospital services under AHCCCS for juveniles committed to the Arizona Department of Juvenile Corrections.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Sen. Cannell, Waring.
Signed by the governor, 3/31. Chapter 30.
ARS Titles Affected: 41.

S1093: BLANK SUBPOENAS; VICTIMS; NOTICE

Prohibits blank subpoenas from being used to procure discovery in a criminal case, including access to the records of a victim. Requires victims to be given

notice of and the right to be heard at any proceeding involving a subpoena for the victim's records from a third party.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/10. Chapter 79.
ARS Titles Affected: 13.

S1096: PROBATION OFFICERS; OVERTIME COMPENSATION

Excludes any probation or surveillance officer serving in an executive or administrative capacity from overtime compensation.

Primary sponsor: Sen. Johnson.
Signed by the governor, 4/17. Chapter 151.
ARS Titles Affected: 23.

S1116: COMPETENCY; SEALED REPORTS; EXCEPTIONS

Requires the court to seal juvenile competency reports after an admission or adjudication of delinquency and adult competency reports after a plea of guilty or guilty except insane or the trial. Makes provisions for when the court may open sealed competency reports.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/17. Chapter 153.
ARS Titles Affected: 8, 13.

S1125: DPS; CRIMINAL JUSTICE INFORMATION

Adds system network log searches to the definition of "criminal justice information." Directs law enforcement agencies and criminal justice agencies to submit to the Department of Public Safety (DPS), rather than a department within DPS, information relevant to the operation of the statewide uniform crime reporting program and concerning crimes committed on the basis of prejudice, respectively.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/11. Chapter 101.
ARS Titles Affected: 41.

S1126: VICTIM'S RIGHT TO REFUSE INTERVIEW

Allows for a parent or legal guardian to exercise victim's rights relating to the right to refuse an interview on behalf of his/her child.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/6. Chapter 50.
ARS Titles Affected: 13.

S1128: JUVENILE COMPETENCY

Changes the definition of "incompetent" in the juvenile competency statutes to specify that age alone does not make a person incompetent.

Primary sponsor: Sen. Tibshraeny. Co-sponsors: Rep. Gallardo, Yarbrough, Sen. L. Gray, Jarrett.

Signed by the governor, 4/10. Chapter 80.

ARS Titles Affected: 8, 36.

S1139: DPS; OFFICER ORGANIZATIONS

Changes the number of votes required for the Department of Public Safety (DPS) to recognize an employee organization to be of the majority of those voting rather than of all DPS employees.

Primary sponsor: Sen. Blendu. Co-sponsor: Rep. Nelson.

Signed by the governor, 4/17. Chapter 155.

ARS Titles Affected: 23.

S1142: CORP; MEMBERSHIP EXPANSION (~~CHILDREN; REMOVAL FROM THE HOME~~)

Allows probation, surveillance and juvenile detention officers to participate in Corrections Officer Retirement Plan (CORP), if the Administrative Office of the Courts enters into a joinder agreement with the Fund Manager.

Primary sponsor: Sen. Johnson.

Signed by the governor, 6/1. Chapter 308.

ARS Titles Affected: 38.

S1145: SELF-DEFENSE; HOME PROTECTION

An emergency measure, justifying threatening or using force against others in prescribed instances, establishes a presumption for when a person is acting reasonably when using justifiable force, alters the burden of proof when a justification defense is presented and specifies that the justification for use of force in crime prevention statute is not limited to use of force in specific areas.

Primary sponsor: Sen. Bee. Co-sponsors: Rep. Gorman, Paton, Stump, Sen. Allen, Burns, Gould, L. Gray, Harper, Jarrett, Johnson, Martin, Tibshraeny, Verschoor.

Signed by the governor, 4/24. Chapter 199.

ARS Titles Affected: 13.

S1147: TELEPHONE USAGE; EMERGENCY INTERFERENCE

Prohibits a person from intentionally preventing or interfering with the use of a telephone by another person in an emergency situation; makes the violation of this prohibition a class 2 misdemeanor.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Konopnicki, Yarbrough, Sen. Gould, Huppenthal.
Signed by the governor, 5/2. Chapter 248.
ARS Titles Affected: 13.

S1160: ANIMAL WELFARE; RESCUE; BESTIALITY (~~SPECIAL DISTRICTS; FINANCING AND FORMATION~~)

Places liability on an owner for any expenses incurred by the state or any political subdivision of the state for rescuing animals that belong to the owner and have been cruelly treated or neglected if the owner has been convicted of cruelty to animals. Establishes that it is a class 6 felony to commit the act of bestiality or causing another person to engage in such an act; the penalty is raised to a class 3 felony if the other person is a minor.

Primary sponsor: Sen. Bee. Co-sponsors: Rep. Konopnicki, McClure, Sen. Flake.
Signed by the governor, 5/24. Chapter 295.
ARS Titles Affected: 12, 13.

S1164: DISPLACED PUPIL CHOICE GRANTS PROGRAM (~~AGGRAVATED ASSAULT; SUFFOCATION~~)

Original language classified suffocation and strangulation as aggravated assault. Striker bill establishes the Displaced Pupils Choice Grant Program to allow a pupil to apply for and receive a grant for redemption at a grant school. Other provisions.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Konopnicki, Yarbrough, Sen. Gould.
Signed by the governor, 6/21; Chapter 358.
ARS Titles Affected: 15.

S1165: LAW ENFORCEMENT MERIT SYSTEM; FEES

Allows attorney fees incurred on the behalf of a law enforcement officer to be awarded if an officer wins an appeal of a suspension, demotion, or dismissal.

Primary sponsor: Sen. Verschoor. Co-sponsors: Rep. Jones, Konopnicki, McComish, Paton, Stump, Sen. Aguirre.
Signed by the governor, 4/10. Chapter 83.
ARS Titles Affected: 38.

S1166: STOPPING VEHICLES ON HIGHWAYS

Allows public transportation vehicles to stop on a controlled access highway if the local authority conducts a traffic and engineering study that finds the safest location to pick up and drop off passengers.

Primary sponsor: Sen. Verschoor. Co-sponsors: Rep. Biggs, Konopnicki, Sen. Rios.

Signed by the governor, 4/10. Chapter 84.

ARS Titles Affected: 28.

S1172: RETIREMENT; CORP; REEMPLOYMENT; DISPATCHERS (~~CORP; REEMPLOYMENT; PENSION~~)

Establishes ordinary disability pension benefits for the dispatchers who join the Corrections Officers Retirement Plan (CORP) and outlines the regulations surrounding ordinary disability.

Primary sponsor: Sen. Huppenthal.

Signed by the governor, 5/26. Chapter 301.

ARS Titles Affected: 38.

S1176: VICTIMS' RIGHTS; FAILURE TO COMPLY

Allows a victim to request a re-examination proceeding within 10 days of a proceeding if the victim's rights were denied at the proceeding. Enables a reconsideration of any decision that arises from the proceeding where the victim's right was not protected, and provides an exemption. Other provisions.

Primary sponsor: Sen. Huppenthal.

Signed by the governor, 4/10. Chapter 84.

ARS Titles Affected: 13.

S1180: CONSTABLE ETHICS COMMITTEE; FUND AND MEMBERSHIP (~~CONSTABLE ETHICS COMMITTEE; MEMBERSHIP~~)

Modifies the membership of the Constable Ethics Committee, establishes the Constable Ethics Committee Fund consisting of monies received from writs to be used for training, equipment and related grants, and renames the act the "Marilyn Jarrett Constable Ethics Act."

Primary sponsor: Sen. Jarrett.

Signed by the governor, 5/16. Chapter 280.

ARS Titles Affected: 22.

S1181: AUTOMOBILE THEFT AUTHORITY; MEMBERSHIP

Allows for designees to serve in place of the two police chiefs, two sheriffs and two county attorneys appointed to the Automobile Theft Authority. Other provisions.

Primary sponsor: Sen. Jarrett. Co-sponsors: Rep. Knaperek, Sen. Bee.
Signed by the governor, 4/17. Chapter 158.
ARS Titles Affected: 41.

S1188: BAIL BOND AGENT PROHIBITIONS

Allows a person convicted of a felony to qualify as a bail bond agent if the felony conviction has been set aside or where civil rights have been restored except for: a conviction for any crime involving carrying or the possession of a deadly weapon or dangerous instrument and/or a conviction of theft.

Primary sponsor: Sen. Arzberger. Co-sponsors: Rep. Burns, Cajero Bedford, Downing, Kirkpatrick, Konopnicki, Sen. Aboud, Cannell, Garcia, Verschoor.
Signed by the governor, 5/4. Chapter 255.
ARS Titles Affected: 20.

S1219: PERSONAL IDENTIFYING INFORMATION; RECORDED DOCUMENTS

Stipulates that recorded documents and records that are made available on a public website must not contain more than five digits of an individual's social security number. Prohibits the documents/records from containing credit, charge or debit card numbers; retirement account numbers; savings, checking or securities entitlement account numbers.

Primary sponsor: Sen. Leff. Co-sponsors: Rep. Downing, Stump, Sen. Bee, Blendu, Tibshraeny.
Signed by the governor, 4/21. Chapter 183.
ARS Titles Affected: 44.

S1222: PROFESSIONAL EMPLOYER ORGANIZATIONS; REGISTRATION

Specifies that the registration statement of management must include whether a person has been convicted in the preceding 10 years of a felony relative to the professional employer organization industry. A professional employer organization is a company that contractually manages human resource and personnel responsibilities.

Primary sponsor: Sen. Leff.
Signed by the governor, 4/10. Chapter 86.
ARS Titles Affected: 23.

S1225: PUBLIC RECORDS; DECLARATORY ACTION

Allows the court to award attorney fees and other legal costs reasonably incurred in an action of denial of access to records if the person seeking the records has substantially prevailed. Other provisions.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Anderson, Biggs, Burges, Chase, Gray, Groe, Mason, Murphy, Quelland, Smith, Yarbrough, Sen. Garcia, Harper, Tibshraeny, Verschoor.
Signed by the governor, 5/2. Chapter 249.
ARS Titles Affected: 39.

S1227: INTERSTATE COMPACT; ADULT OFFENDER

As a member state of the Interstate Commission for Adult Offender Supervision, Arizona is responsible for the supervision of adult offenders who are authorized to travel across state lines, for the purpose of tracking the location of offenders. ICAOS collects an annual assessment from each state to cover costs of internal operations and activities. S1227 increases the maximum assessment allowed by law to \$25,500.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Smith, Sen. Aguirre, Miranda.
Signed by the governor, 4/6. Chapter 51.
ARS Titles Affected: 31.

S1229: SEX OFFENDER REGISTRATION; HOMELESS OFFENDERS

Requires a person who must register as a sex offender who does not have an address or a permanent place of residence to register as a transient every 90 days with the sheriff in whose jurisdiction the person is physically present.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Biggs, Gallardo, Groe, Sen. Aguirre, Allen, Brotherton, Garcia, Jarrett, Martin, Miranda, Verschoor.
Signed by the governor, 4/21. Chapter 184.
ARS Titles Affected: 13.

S1230: SEX OFFENDERS; ADDRESS VERIFICATION

Requires a person who is registering as a sex offender to sign or affix an electronic fingerprint to a statement required by Department of Public Safety (DPS). Mandates that when a person from another jurisdiction is registering as a sex offender in Arizona, the sheriff must obtain a biological sample for DNA testing. The sheriff must transmit the sample to DPS.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Gallardo, Sen. Aguirre, Allen, Brotherton, Jarrett, Martin.
Signed by the governor, 4/17. Chapter 160.
ARS Titles Affected: 13.

S1242: TRAFFIC TICKET ENFORCEMENT ASSISTANCE PROGRAM

Expands the Traffic Ticket Enforcement Assistance Program to include boating violations, defines monetary obligations and restitution, and reduces the delinquent monetary obligation threshold for refusing registration renewal from \$200 to \$100.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Konopnicki, Sen. L. Gray.

Signed by the governor, 5/24. Chapter 296.

ARS Titles Affected: 28.

S1258: LAW ENFORCEMENT AGENCIES; RETIREMENT CREDENTIAL

Requires law enforcement agencies to issue a certificate or qualifying identification to law enforcement officers who retire honorably stating the officer retired honorably. The identification allows retired police officers to carry concealed weapons pursuant to the Law Enforcement Officers Safety Act passed by Congress in 2004, which exempted qualified law enforcement officers from state laws prohibiting the carrying of concealed handguns.

Primary sponsor: Sen. Huppenthal. Co-sponsor: Sen. L. Gray.

Signed by the governor, 3/31. Chapter 37.

ARS Titles Affected: 13.

S1260: PROSTITUTION; HOUSE ABATEMENT

Permits a city attorney to initiate an abatement of a building/place where a nuisance has occurred. Exempts verification of a complaint if the complaint was filed by a city attorney.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Barnes, Brown, Groe, McComish, Nelson, Sen. Blendu, Flake.

Signed by the governor, 4/17. Chapter 162.

ARS Titles Affected: 12.

S1264: ARIZONA DEPARTMENT OF HOMELAND SECURITY (~~TECH CORRECTION; CLAIMS ADJUSTMENT~~)

Establishes the Arizona Department of Homeland Security and stipulates that the direction, operation and control of the Department are the responsibility of the director. Stipulates that the director will be appointed by the governor upon consent of the Senate and requires that the director have a background or experience in public administration, disaster response, law enforcement, or business administration. Other provisions.

Primary sponsor: Sen. Burns.

Signed by the governor, 6/13. Chapter 317.

ARS Titles Affected: 41.

S1267: INTEGRATED FAMILY COURT; PILOT PROGRAMS

An emergency measure that establishes a two-year Integrated Family Court Pilot Program (IFCPP) in two counties and appropriates \$1.75 million from the state General Fund in FY 2006-2007 to the Administrative Office of the Courts for the IFCPP.

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Anderson, Boone, Downing, Groe, Murphy, Quelland, Rosati, Yarbrough, Sen. L. Gray, Harper. Signed by the governor, 6/20. Chapter 364.
ARS Titles Affected: 25.

S1274: IGNITION INTERLOCK DEVICES

Provides that a person is guilty of Aggravated Driving Under the Influence (AGDUI) if the person is subject to an Ignition Interlock Device (IID) requirement and the person either: refuses to submit to a law enforcement officers request for a Blood Alcohol Concentration (BAC) test or commits an Extreme Driving Under the Influence (EDUI) or Driving Under the Influence (DUI) violation. Other provisions.

Primary sponsor: Sen. L. Gray.
Signed by the governor, 6/5. Chapter 312.
ARS Titles Affected: 28.

S1275: BREATH-TESTING DEVICES; ADMISSIBILITY (~~IGNITION INTERLOCK INSTALLERS; MANUFACTURERS~~)

Prevents the inability of any person to obtain manufacturer's schematics and software for an approved quantitative breath-testing device from affecting the admissibility of the results of a breath test. Allows the results of a breath-testing device approved by the Department of Public Safety (DPS) to be admissible as evidence in any trial, action or proceeding. Other provisions.

Primary sponsor: Sen. L. Gray.
Signed by the governor, 5/11. Chapter 271.
ARS Titles Affected: 5, 28.

S1276: WINE SHIPMENT; LIMITED PRODUCTION WINERY

Reduces the maximum amount a winery can produce annually to qualify as a domestic farm winery, from 75,000 gallons to 40,000 gallons. Allows a domestic farm winery that produces less than 20,000 gallons of wine annually to make sales and deliveries of its wine to consumers who order the wine by telephone, mail, fax or catalog or through the Internet under specific conditions. Other provisions.

Primary sponsor: Sen. Leff. Co-sponsors: Rep. Downing, Garcia, Lujan, Prezelski, Sen. Aguirre, Allen, Arzberger, Bee, Chevront, L. Gray, Mitchell, Rios.

Signed by the governor, 6/1. Chapter 310.

ARS Titles Affected: 4.

S1301: COMMUNITY NOTIFICATION; WARRANTS

Allows a local law enforcement agency, in addition to the Department of Public Safety (DPS), to request the county attorney petition the court for an arrest warrant if a sex offender fails to register or re-register. Other provisions.

Primary sponsor: Sen. Huppenthal.

Signed by the governor, 4/24. Chapter 201.

ARS Titles Affected: 13.

S1303: CHANGE OF NAME; APPLICATION; VENUE

Requires a person applying for a name change to reveal, under penalty of perjury, whether he/she has been convicted of a felony; if there are outstanding felony charges related to misrepresentation of the person's identity; or whether the name change is for the purpose of committing or furthering an offense involving false statements or misrepresentations.

Primary sponsor: Sen. Huppenthal.

Signed by the governor, 4/17. Chapter 164.

ARS Titles Affected: 12.

S1305: CAPITAL DEFENDANTS; MEDICAL EVALUATIONS

Allows a defendant in a capital case to object to the court appointing a prescreening psychological expert to determine the defendant's IQ. Other provisions.

Primary sponsor: Sen. Huppenthal.

Signed by the governor, 4/6. Chapter 55.

ARS Titles Affected: 13.

S1322: DOMESTIC MICROBREWRIES (~~MOTOR VEHICLE REPAIR FACILITIES~~)

Decreases the minimum amount a microbrewery needs to produce in order to qualify as a domestic microbrewery, from 10,000 to 5,000 gallons of beer in a calendar year. Increases the maximum amount a microbrewery can produce in order to continue to qualify as a domestic microbrewery, from 310,000 gallons to 620,000 gallons of beer in a calendar year. Allows a domestic microbrewery to make sales and deliveries of beer that it has

produced directly to retail licensees that are under common ownership with the microbrewery in any amount. Other provisions.

Primary sponsor: Sen. Martin.
Signed by the governor, 5/26. Chapter 302.
ARS Titles Affected: 4.

**S1324: SCHOOLS; MENTAL HEALTH SCREENING;
CONSENT (~~SCHOOLS; OPEN ENROLLMENT; FOSTER CHILDREN~~)**

Requires a school district or charter school to obtain the written consent of a pupil's parent or legal guardian on the form prior to conducting a mental health screening. Includes anonymous surveys.

Primary sponsor: Sen. Johnson.
Signed by the governor, 5/2. Chapter 250.
ARS Titles Affected: 15.

S1328: YOUTHFUL SEX OFFENDERS; STUDY COMMITTEE

Establishes a 15-member Joint Legislative Committee on Youthful Sex Offenders to study youthful sex offenders and sets forth the membership, including representatives from county prosecution, public defenders, a counselor, a juvenile group home worker and as well as various political appointees.

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Anderson, Sen. Allen, Bee, Blendu, L. Gray, Huppenthal, Jarrett, Martin.
Signed by the governor, 4/17. Chapter 165.
ARS Titles Affected: 36.

S1338: PERSONAL INFORMATION; SECURITY BREACH

Requires a person conducting business in Arizona who becomes aware of an incident of unauthorized acquisition of and access to unencrypted or unredacted computerized data to conduct an investigation to promptly determine if a breach of the security system has occurred. If a breach has occurred, the entity must notify the persons affected in the most expedient manner possible. Allows notification of a security breach to be delayed if a law enforcement agency advises the person that notification will impede a criminal investigation. Other provisions.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Groe, Konopnicki, McClure, McComish, O'Halleran, Quelland, Reagan, Sen. L. Gray.
Signed by the governor, 4/26. Chapter 232.
ARS Titles Affected: 44.

S1339: FIREARMS; POSSESSION; PERSONS ADJUDICATED DELINQUENT

Allows the court to suspend a juvenile's right to carry or possess a firearm while the juvenile is within the jurisdiction of the Arizona Department of Juvenile Corrections (ADJC) or the Juvenile Court if the juvenile is adjudicated delinquent for an offense that, if committed by an adult, would be a misdemeanor.

Primary sponsor: Sen. Blendu.
Signed by the governor, 4/25. Chapter 221.
ARS Titles Affected: 8, 13, 41.

S1346: FLEET REQUIREMENT; TAX INCENTIVES; BIODIESEL (~~METHAMPHETAMINE EDUCATION FUND; CHILDREN~~)

House-adopted a striker amendment to create a fleet fuel credit that counts toward the state mandate of alternative and clean burning fuel vehicle use. Original language sought \$8.5 million from the state General Fund in FY 2006-2007 to the Department of Health Services (DHS) for anti-methamphetamine public service announcements. A meth bill that provided funding for interdiction, education and prevention was signed into law: [H2554](#).

Primary sponsor: Sen. Huppenthal. Co-sponsors: Sen. Hellon, Jarrett, Johnson, Leff.
Signed by the governor, 6/28. Chapter 388.
ARS Titles Affected: 42.

S1354: EMERGENCY MEDICAL SERVICES; INVESTIGATIONS

Stipulates that information regarding investigations of emergency medical technicians (EMTs) is not available to the public or subject to civil discovery; allows the results of the investigation and the decision of the Department of Health Services (DHS) to be available to the public after the investigation is completed. Allows the Director of DHS to extend an EMT license for 30 days and requires DHS to establish a fee for license extension by rule.

Primary sponsor: Sen. Allen.
Signed by the governor, 4/17. Chapter 166.
ARS Titles Affected: 36.

S1359: PUBLIC RETIREMENT PLANS; ADMINISTRATION AMENDMENTS

Makes several changes to the statutes governing the Elected Officials' Retirement Plan (EORP), the Public Safety Personnel Retirement System (PSPRS) and the Corrections Officer Retirement Plan (CORP).

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 5/8. Chapter 264.
ARS Titles Affected: 38.

S1371: SEX OFFENDERS; GPS MONITORING; APPROPRIATIONS
Beginning November 1, 2006, requires Global Positioning System (GPS) monitoring for the entire term of probation, if probation is imposed after the conviction of a dangerous crime against children. Establishes a 13-member Joint Legislative Study Committee on Global Positioning System Monitoring. Makes appropriations.

Primary sponsor: Sen. Waring.
Signed by the governor, 6/21. Chapter 368.
ARS Titles Affected: 13, 41.

S1376: CAPITAL CASE LITIGATION; PUBLIC DEFENDER
Establishes the State Capital Postconviction Public Defender Office (SCPPDO) and appropriates \$220,000 for the implementation of the office. Stipulates that the Governor shall appoint the State Capital Postconviction Public Defender on the basis of merit to serve one four-year term. Establishes the duties of the State Capital Postconviction Public Defender. Establishes the ten-member Nomination, Retention and Standards Commission on Indigent Defense. Other provisions.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Sen. Allen, Burns.
Signed by the governor, 6/21. Chapter 369.
ARS Titles Affected: 13, 41.

S1386: CRIME VICTIMS; FREE POLICE REPORTS
States that a victim of a Part 1 crime, or family member of a deceased or incapacitated victim, has the right to receive one free copy of the police report from the investigating agency.

Primary sponsor: Sen. Tibshraeny. Co-sponsor: Sen. Gould.
Signed by the governor, 4/17. Chapter 167.
ARS Titles Affected: 39.

S1396: JUVENILE CORRECTIONS; WORK RESTITUTION
Authorizes the court to deposit monies collected for the maintenance of youth committed to the Department of Juvenile Corrections into the DJC Restitution Fund. Other provisions.

Primary sponsor: Sen. Huppenthal.
Signed by the governor, 4/24. Chapter 202.
ARS Titles Affected: 41.

S1407: OMBUDSMAN-CITIZENS AIDE; PUBLIC ACCESS LAWS

Requires the Ombudsman-Citizens' Aide to appoint two assistants, one of whom is an attorney, to assist in investigating complaints relating to the public access laws involving an agency. Other provisions.

Primary sponsor: Sen. Burns. Co-sponsors: Sen. Bee, Blendu, Gould, Harper, Huppenthal, Johnson, Martin, Tibshraeny, Verschoor.
Signed by the governor, 6/21. Chapter 370.
ARS Titles Affected: 13.

S1427: NEWBORN SAFE HAVENS; VOLUNTEERS

Allows volunteers, in addition to staff, at a private welfare agency, adoption agency or church to accept newborn infants as a safe haven provider. Stipulates that a person who knowingly manufactures a dangerous drug, or possesses the equipment or chemicals for the purpose of manufacturing a dangerous drug, in the presence of a child or vulnerable adult, is not required to have care or custody of the child or vulnerable adult to be guilty of endangerment or abuse.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Burns, Chase, Miranda, Nelson, O'Halleran, Rios, Sen. Aguirre, Chevront, Verschoor.
Signed by the governor, 5/2. Chapter 252.
ARS Titles Affected: 13.

S1444: SENTENCING; THIRD FELONY OFFENSES (~~SEX OFFENDER; FAILURE TO REGISTER~~)

Requires, notwithstanding any provision that establishes a shorter term of imprisonment, a person who has been convicted of committing, attempting or conspiring to commit three violent or aggravated felonies on separate occasions to be imprisoned for life, unless a longer term of imprisonment or death is the prescribed penalty.

Primary sponsor: Sen. Verschoor.
Signed by the governor, 4/18. Chapter 177.
ARS Titles Affected: 13.

S1471: SEX OFFENDER TREATMENT; PRIVILEGED COMMUNICATIONS

Provides that a statement made by a sex offender during treatment that leads to a reasonable belief that the person has committed a new sexual offense or an offense of sexual exploitation of children could be admissible against the person in any criminal or juvenile delinquency proceeding.

Primary sponsor: Sen. Huppenthal. Co-sponsor: Sen. Blendu.
Signed by the governor, 4/21. Chapter 186.
ARS Titles Affected: 13.

**S1560: DUI; PENALTIES (~~HOMEOWNERS' ASSOCIATIONS;~~
~~VIOLATION NOTICES~~)**

Applies the increased penalties to repeat DUI offenders if the repeat DUIs occur within 84 months, rather than 60 months, of each other. Specifies that a person commits aggravated DUI when the person commits a third or subsequent violation of any type of DUI within 84 months, rather than 60 months, of the prior DUI offenses. Other provisions.

Primary sponsor: Sen. Waring.

Signed by the governor, 6/28. Chapter 395.

ARS Titles Affected: 13.

Senate bills that failed

S1013: STATE AGENCIES; SUMMARY RULE MAKING

Struck provision from the state agency summary rulemaking statute (Section 41-1027) that allowed for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority.

Primary sponsor: Sen. Tibshraeny.

Last action: 1/9, referred to Senate Government Reform.

ARS Titles Affected: 41.

S1016: IDENTITY THEFT; MANDATORY INCARCERATION

Requires persons convicted of and sentenced to a term of probation for identity theft, aggravated identity theft or trafficking in the identity of another person to serve jail time as part of the terms of probation.

Mandatory jail time provisions included in [H2351](#) (did not pass).

Primary sponsor: Sen. Jarrett. Co-sponsors: Sen. Bee, Blendu, Harper.

Last action: 2/14; Senate voted to reconsider failure to pass bill (failed 2/13).

ARS Titles Affected: 13.

S1018: SEARCH WARRANTS; EXTRATERRITORIAL EXECUTION

Would allow peace officers to serve search warrants on entities located in other states but with a business presence in Arizona.

Primary sponsor: Sen. Jarrett. Co-sponsors: Sen. Bee, Blendu, Harper.

Last action: 1/9, referred to Senate Judiciary.

ARS Titles Affected: 13.

S1019: VEHICLE THEFT; TRANSPONDER KEYS; REPORT

Requires the Arizona Automobile Theft Authority (ATA) staff and board to report to the Legislature regarding strategies to combat cross-border traffic in stolen vehicles and to make proposals for increasing vehicle theft resistance.

Primary sponsor: Sen. Jarrett.

Last action: 2/28, referred to House Transportation.

ARS Titles Affected: 28.

S1028: MOTOR VEHICLES; TWO LICENSE PLATES

Required the Motor Vehicle Division (MVD) to issue two license plates for every vehicle with the exception of a motorcycle, trailer or semi-trailer.

Primary sponsor: Sen. Jarrett. Co-sponsor: Sen. Allen.

Last action: 1/9, referred to Senate Transportation, Appropriations.

ARS Titles Affected: 28.

S1029: BAD CHECKS; CLASSIFICATION

Classifies bad check writing in excess of \$5,000 as a class 6 felony if the person fails to pay the full amount of the check with interest within 60 days of receiving notice.

Primary sponsor: Sen. Arzberger. Co-sponsors: Rep. Alvarez, Burns, Lopes, Reagan, Jim Weiers, Sen. Bee, Brotherton, Cheuvront, Flake, Garcia, Harper, Soltero.

Last action: 1/19, from Senate Commerce and Economic Development, do pass.

ARS Titles Affected: 13.

S1042: REPEAT DUI OFFENDERS; LOWER BAC

Prohibits an individual from driving if the person has a BAC of 0.05 or more within two hours of driving or being in actual control of the vehicle if within the previous 60 months the person was convicted of an aggravated DUI offense or an equivalent offense in another jurisdiction. Other provisions.

Primary sponsor: Sen. Waring.

Last action: 3/23, referred to House Judiciary; Commerce.

ARS Titles Affected: 28.

S1049: PROPERTY TAX RATE INCREASE; LIMITATION (~~BAILABLE OFFENSES; BOND SOURCE HEARINGS~~)

Original language would allow the court to conduct bond source hearings. Striker proposed to limit property tax rate increases for certain jurisdictions.

Primary sponsor: Sen. Huppenthal.

Last action: 5/9, from House Rules okay.

ARS Titles Affected: 13.

S1054: SEX OFFENDER REGISTRATION; CHILD BIGAMISTS

Requires persons convicted of child bigamy to register as sex offenders. Similar measure proposed under [H2289](#) (did not pass).

Primary sponsor: Sen. Huppenthal.
Last action: 2/15, referred to House Judiciary.
ARS Titles Affected: 13.

S1057: CRIMINAL STREET GANGS (~~ASSISTING A CRIMINAL STREET GANG~~)

Original language defined the crimes of participating in and assisting a criminal street gang. Adopted striker would have limited court damages to an illegal alien to actual damages only.

Primary sponsor: Sen. Huppenthal.
Last action: 4/20, from House Rules okay.
ARS Titles Affected: 13.

S1064: MINORS; ENTRY INTO MEXICO

Allows the governing body of a city, town or county to adopt an ordinance to allow a peace officer or sheriff to prevent minors from entering into the Republic of Mexico if the minor is unaccompanied by or does not have the written notarized consent from a parent or guardian, or if the minor does not have a passport. Similar provision passed as [H2387](#).

Primary sponsor: Sen. Aguirre. Co-sponsors: Rep. Jones, Sen. Bee, Cannell.
Last action: 3/9, referred to House Transportation.
ARS Titles Affected: 9, 11.

S1090: HOME PROTECTION; SELF-DEFENSE

A person is justified in threatening or using physical force or deadly physical force against another if the person reasonably believes himself or another person to be in imminent peril of death or serious bodily injury under specific sets of circumstances. Similar measure passed ([S1145](#)).

Primary sponsor: Sen. Arzberger. Co-sponsors: Rep. Alvarez, Burns, Jerry Weiers, Sen. Aboud, Aguirre, Blendu, Cannell, Garcia, Waring.
Last action: 1/10, referred to Senate Judiciary.
ARS Titles Affected: 13.

S1121: BREAST-FEEDING; INDECENT EXPOSURE

Exempted breast-feeding mothers from indecent exposure violations if the child is under three years of age. Similar provision passed ([H2376](#)).

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Anderson, Lopez, Sen. Huppenthal.
Last action: 1/11, referred to Senate Judiciary.
ARS Titles Affected: 13.

S1123: HOMICIDE; DUI; INCREASED PUNISHMENT

Increases the punishment for a person convicted of negligent homicide, manslaughter or second degree murder, and Driving or Actual Physical Control While Under the Influence (DUI), Extreme DUI or Aggravated DUI.

Primary sponsor: Sen. Huppenthal.

Last action: 1/17, Senate Judiciary, do pass.

ARS Titles Affected: 13.

S1124: UNIFORM ARBITRATION ACT

Would codify provisions of the Revised Uniform Arbitration Act adopted in 2000 by the Uniform Law Commissioners prescribing a uniform process for resolving disputes through arbitration. Similar bill run as [H2517](#) (did not pass).

Primary sponsor: Sen. Huppenthal.

Last action: 2/6, held in Senate Judiciary.

ARS Titles Affected: 12.

S1146: PHOTO RADAR; CONTROLLED ACCESS HIGHWAYS

Prohibits the state or local authority from using photo radar to identify violators of speed regulations on a controlled access highway in Arizona.

Primary sponsor: Sen. Verschoor. Co-sponsors: Rep. Aguirre, Allen, Anderson, Biggs, Farnsworth, Gray, Knaperek, Miranda, Pierce, Quelland, Rios, Rosati, Smith, Sen. Bee, Blendu, Burns, Gould, Harper, Huppenthal, Jarrett, Johnson, Martin, Miranda, Rios.

Last action: 3/30, House Judiciary, do pass.

ARS Titles Affected: 28.

S1158: APPROPRIATION; ILLEGAL IMMIGRATION; ENFORCEMENT

Original language sought to appropriate \$75 million in FY 2006-07 to the Arizona Criminal Justice Commission (ACJC) to award grants (\$15 million total per year over five years) to apprehend persons who are in the state illegally in possession of a dangerous drug, precursor chemicals used to manufacture methamphetamine, a deadly weapon, a dangerous instrument or items used for terrorism. A proposed striker sought to subject homeowners' associations (HOA) and condominium associations' liens to the homestead exemption protection.

Primary sponsor: Sen. Leff. Co-sponsors: Rep. Allen, Nelson, Paton, Quelland, Reagan, Sen. Allen, Bee, Bennett, Blendu, Burns, Flake, Gould, L. Gray, Harper, Jarrett, Martin, Verschoor, Waring.

Last action: 4/5, held in House Appropriations (Pearce).

ARS Titles Affected: 41.

S1159: APPROPRIATION; ILLEGAL IMMIGRANT PRISONS

Sought appropriation of \$40 million in FY 06-07 to the state department of corrections to build at least two prisons to house illegal aliens convicted of violating section 13-1509, Arizona Revised Statutes. Sought \$30 million for operating costs. The bill was conditional upon enactment of a trespassing bill (see [S1157](#), vetoed on 4/17).

Primary sponsor: Sen. Leff. Co-sponsors: Rep. Allen, Nelson, Paton, Quelland, Reagan, Sen. Allen, Bee, Bennett, Blendu, Burns, Flake, Gould, L. Gray, Harper, Jarrett, Martin, Verschoor, Waring.

Last action: 1/16, referred to Senate Judiciary, Appropriations.

ARS Titles Affected: 41.

S1182: USE OF VEHICLES; HUMAN SMUGGLING

Smuggling human beings involving a stolen vehicle is classified as a class 2 felony.

Primary sponsor: Sen. Jarrett. Co-sponsors: Rep. Paton, Sen. Bee.

Last action: 4/25, referred to House Appropriations (Pearce).

ARS Titles Affected: 13.

S1183: HUMAN SMUGGLING; MATERIAL WITNESS

Permits the court to order the arrest of a witness if necessary to secure the witness's presence and if an affidavit filed by a party demonstrates that the witness's testimony may be material. Allows a person to be charged with one count of human smuggling per human being smuggled.

Primary sponsor: Sen. Jarrett. Co-sponsors: Rep. Paton, Sen. Bee.

Last action: 4/25, referred to House Appropriations (Pearce).

ARS Titles Affected: 13.

S1212: SEXUAL ASSAULT SHIELD

Prohibited the publishing or broadcasting of a sexual assault victim's name, address, other identifying fact of or information without the victim's permission. Prohibition also applied to evidence relating to a victim's reputation for chastity. Made violation of this provision a class 2 misdemeanor.

Primary sponsor: Sen. Jarrett. Co-sponsors: Rep. Paton, Sen. Bee.

Last action: 1/23, referred to Senate Judiciary.

ARS Titles Affected: 13.

S1215: PROSPECTIVE EMPLOYEES; ELIGIBILITY

Requires every employer in Arizona prior to hiring a prospective employee to verify the prospective employee's employment eligibility. Allows the Attorney

General to impose a civil penalty of up to \$5,000 for each violation of the employment eligibility verification requirements. Similar measures proposed under [H2823](#), [HCR2044](#), [S1216](#), [S1513](#), [S1558](#).

Primary sponsor: Sen. Brotherton. Co-sponsors: Rep. Kirkpatrick, Lopes, McCune-Davis, Meza, Sinema, Sen. Aguirre, Garcia, Miranda, Mitchell.
Last action: 2/15, failed Senate Commerce and Economic Development.
ARS Titles Affected: 23.

[S1216:](#) EMPLOYMENT; ILLEGAL ALIENS; EMPLOYER SANCTIONS

Prohibits employers from knowingly hiring illegal aliens and requires the Attorney General to enforce the prohibition and may impose civil penalties of up to \$5,000 for each violation. [H2823](#), [HCR2044](#), [S1215](#), [S1513](#), [S1558](#).

Primary sponsor: Sen. Brotherton. Co-sponsors: Rep. Kirkpatrick, Lopes, Meza, Sinema, Sen. Miranda, Mitchell.
Last action: 2/16, do pass from Senate Commerce and Economic Development.
ARS Titles Affected: 23.

[S1228:](#) CORP; REVERSE DEFERRED RETIREMENT PLAN

Establishes a reverse deferred retirement option plan (reverse DROP) within the Corrections Officer Retirement Plan (CORP).

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Groe, Sen. Brotherton, Martin, Verschoor.
Last action: 3/21, referred to House Public Institutions and Retirement.
ARS Titles Affected: 38.

[S1244:](#) PUBLIC ACCESS LAWS; COMMITTEE

Sought to establish a Joint Legislative Study Committee on Public Access Laws to address issues relating to access to public meetings and public records, civil actions for declaratory relief and enforcement of public access laws.

Primary sponsor: Sen. Burns.
Last action: 1/25, referred to Senate Government.
ARS Titles Affected: 41.

[S1261:](#) LIFETIME PROBATION; EARLY TERMINATION PROHIBITED

Prohibited the court from modifying or terminating the period of probation or discharge the defendant at a time earlier than that originally imposed.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Barnes, Burges, Groe.
Last action: 1/25, referred to Senate Judiciary.
ARS Titles Affected: 13.

S1273: APPROPRIATION; BORDER RADAR LEASE

Appropriates \$25 million from the state general fund in FY07 and FY08 to the Department of Emergency and Military Affairs (DEMA) to lease or purchase a ground based radar system integrated with cameras for the protection of the southern Arizona border. Establishes the border security fund to be administered by DEMA for border security purposes along Arizona's southern border. Specifies that the fund is subject to legislative appropriation. Other provisions. Similar measure proposed as [H2578](#).

Primary sponsor: Sen. Bee. Co-sponsors: Rep. Konopnicki, McClure, Paton, Sen. Aguirre, Arzberger, Blendu, Burns, Cannell, Gould, Harper, Jarrett, Johnson, Leff, Martin.
Last action: 4/6, passed House on reconsideration.
ARS Titles Affected: 41.

S1287: MISCONDUCT INVOLVING WEAPONS; STOLEN VEHICLES

Classifies the use or possession of a deadly weapon while stealing another person's vehicle as a class 4 felony. Includes the use or possession of a deadly weapon while stealing another person's vehicle in the definition of misconduct involving a weapon.

Primary sponsor: Sen. Rios. Co-sponsors: Rep. Gallardo, Sen. Aguirre, Bee, Blendu, Chevront, L. Gray, Jarrett, Johnson, Martin, Miranda, Soltero.
Last action: 3/6, referred to House Transportation, Judiciary.
ARS Titles Affected: 13.

S1296: NATIONAL GUARD MOBILIZATION; BORDER; APPROPRIATION

Sought \$5 million from the state General Fund to the Department of Emergency and Military Affairs (DEMA) in FY 2006-2007 for the mobilization of the Arizona National Guard to the border. Other provisions. Bills that included provisions to mobilize the National Guard for border security included [H2577](#), [H2579](#), [H2701](#), [SCR1039](#).

Primary sponsor: Sen. Harper.
Last action: referred to Senate Government, Appropriations.
ARS Titles Affected: 26.

S1298: APPROPRIATION; HIGHWAY FUND REPAYMENT

Sought appropriation of \$63.2 million from the state General Fund for the State Highway Fund in FY 2006-2007 for repayment of monies diverted from

the State Highway Fund for Department of Public Safety (DPS) salaries in FY 2005-06.

Primary sponsor: Sen. Flake. Co-sponsors: Rep. Aguirre, Alvarez, Brown, Burns, Groe, Hershberger, Jones, Konopnicki, Mason, McClure, McLain, O'Halleran, Prezelski, Sen. Allen, Arzberger, Bee, Blendu, Cannell, Huppenthal, Jarrett, Johnson, Verschoor.
Last action: 2/8, from Senate Transportation, amended.
ARS Titles Affected: 28.

S1302: PROBATION; CONSECUTIVE TERMS ALLOWED

Permits the court to impose consecutive sentences of probation.

Primary sponsor: Sen. Huppenthal.
Last action: 1/30, held in Senate Judiciary.
ARS Titles Affected: 13.

S1304: MINORS; ABUSE; DUTY TO REPORT

School personnel are not required to report a non-accidental physical injury to a minor that is caused by another minor on school property if all of the following apply: the injury is not a serious physical injury; the minors are pupils who are enrolled in the same school; a school representative promptly advises the parent or guardian of the injured minor of the injury and the name of the pupil who allegedly caused the injury. Also changes statutory provisions relating to the reporting of child abuse or negligence to require that cases involving children under the age of 15 (rather than the current 14) must be reported. Similar measure included in [H2119](#); did not pass.

Primary sponsor: Sen. Huppenthal.
Last action: 1/25, referred to Senate Family Services; Judiciary.
ARS Titles Affected: 13.

S1337: LAW ENFORCEMENT MERIT SYSTEM COUNCILS

Allows law enforcement merit system councils to adopt a standard of review that is consistent with recognized merit system principles of public employment.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. McComish, O'Halleran, Sen. Aguirre, Martin, Miranda.
Last action: 2/20, from Senate Rules okay; stricken from consent calendar.
ARS Titles Affected: 38.

S1340: THEFT; RESALE INTENT; EMERGENCY EXIT

Classifies as felonies the theft of property with the intent to re-sell (classification dependent upon value of the property). Adds penalties for using an emergency exit during theft.

Primary sponsor: Sen. Huppenthal.

Last action: referred to Senate Judiciary.

ARS Titles Affected: 13.

S1341: UNDESIGNATED OFFENSES; LICENSING; EMPLOYMENT

Allows regulatory boards to treat a class 6 felony as a misdemeanor for the purposes of employing or licensing a person if the court designates the felony as a misdemeanor, unless the boards adopt rules to the contrary.

Primary sponsor: Sen. Huppenthal.

Last action: 3/20, referred to House Judiciary.

ARS Titles Affected: 13.

S1342: ORDERS OF PROTECTION; SERVICE

Allows the court to order that the order of protection be served by the municipal police agency, county sheriff or constable within the jurisdiction in which the defendant is located if the court finds that it is in the best interest of justice and public safety. Similar provisions included in [S1493](#).

Primary sponsor: Sen. Huppenthal.

Last action: 1/25, referred to Senate Government.

ARS Titles Affected: 13.

S1344: PSPRS; DEFERRED PLANS; RETURN

Original language changed provisions for the Public Safety Personnel Retirement System (PSPRS) Deferred Retirement Option Plan (DROP). A striker amendment sought to establish the Arizona 2-1-1 System and authorize the Arizona Health Care Cost Containment System (AHCCCS) to administer the statewide infrastructure to support the web site and call centers (currently, only the 2-1-1 web site is established). Similar measure proposed under [S1352](#).

Primary sponsor: Sen. Huppenthal.

Last action: 3/27, from House Public Institutions and Retirement with striker amendment (noted above).

ARS Titles Affected: 38.

S1347: FREEZING CONSUMER REPORTS; IDENTITY THEFT

Stipulates that a consumer may request in writing, by certified mail, that a consumer reporting agency place a security freeze on the consumer's consumer report, and that the security freeze remain in effect until the consumer requests the freeze be removed. Other provisions. Similar measure proposed under [H2705](#).

Primary sponsor: Sen. Huppenthal. Co-sponsors: Sen. Harper, Jarrett.
Last action: 3/29, from House Commerce, amended.
ARS Titles Affected: 44.

S1352: AHCCCS; ARIZONA 2-1-1 SYSTEM

Establishes the Arizona 2-1-1 system and requires AHCCCS to establish a statewide infrastructure to support call centers and the existing web site. Allows the system to use call centers that are accessed by 2-1-1 and a web site to provide disaster response, homeland security and health and human services information and information community organizations that provide assistance to the public. Other provisions. Similar measure proposed as a striker to [S1344](#).

Primary sponsor: Sen. Allen. Co-sponsors: Rep. Burton Cahill, Lopez, Quelland, Sen. Cannell, Garcia.
Last action: 2/13, from Senate Government, do pass.
ARS Titles Affected: 36.

S1361: LEGISLATIVE SUBPOENAS

Would require the appropriate chamber of the Legislature to bear the cost of issuing and enforcing legislative subpoenas and makes evidence produced for a legislative subpoena public record.

Primary sponsor: Sen. Mitchell. Co-sponsors: Sen. Aboud, Brotherton, Cannell, Cheuvront, Hale.
Last action: 2/9, from Senate Government Reform, amended.
ARS Titles Affected: 41.

S1368: LIQUOR LICENSES; DISTANCE RESTRICTIONS

Modifies the location requirements for licensed bars and licensed beer and wine bars that are located in a city's central business district if the city has submitted a written waiver to the Arizona Department of Liquor Licenses and Control.

Primary sponsor: Sen. Hellon. Co-sponsors: Sen. Bee, Miranda, Soltero.
Last action: 3/28, from House Rules okay.
ARS Titles Affected: 4.

S1375: PERSONAL IDENTIFYING INFORMATION; RECORDS DISPOSAL

Precluded a person or entity, including a utility or telecommunications company, from requiring an individual to provide more than the last four digits of the individual's social security number to the person or entity in order to conduct specific business transactions. Also set forth procedures that businesses must use to dispose of records containing personal or entity identifying information. A records disposal bill was signed into law: [H2484](#).

Primary sponsor: Sen. Arzberger. Co-sponsors: Rep. Aguirre, Alvarez, Burns, Cajero Bedford, Downing, Kirkpatrick, Konopnicki, Lujan, McLain, Rios, Sen. Aboud, Allen, Bee, Brotherton, Cannell, Garcia, Gould, Hale, Jarrett, Miranda, Mitchell, Rios, Soltero.

Last action: 1/26, referred to Senate Commerce and Economic Development.
ARS Titles Affected: 44.

S1377: LAW ENFORCEMENT OFFICERS; MATERNITY LEAVE

A female law enforcement officer who is employed by this state or a political subdivision of this state is entitled to at least a six week paid leave of absence from such employment for maternity leave for a newborn child or an adopted newborn child. An employer shall not retaliate against the law enforcement officer for requesting or obtaining a leave of absence as provided by this section.

Primary sponsor: Sen. Brotherton.

Last action: 2/1, withdrawn from Senate Commerce and Economic Development.

ARS Titles Affected: 38.

S1378: ARREST, DNA TESTING

Requires the arresting authority to secure and transmit to the Department of Public Safety (DPS) a biological sample for DNA testing and extraction from a person who is charged with any felony offense beginning January 1, 2007 and from a person who is arrested for any offense beginning January 1, 2008.

Primary sponsor: Sen. Brotherton.

Last action: 2/7, from Senate Judiciary, amended.

ARS Titles Affected: 13, 41.

S1383: PHARMACIES; CONTROLLED SUBSTANCES; COMPUTERIZED SYSTEM

Required the Board of Pharmacy to develop a computer-tracking system for prescriptions that include controlled substances listed under schedules II, III and IV, plus any compound, mixture or preparation that contains any

detectable quantity of pseudoephedrine. Other bills that sought restrictions on precursor chemicals related to methamphetamine included [H2228](#), [H2493](#), [H2815](#), [S1536](#).

Primary sponsor: Sen. Cannell. Co-sponsors: Sen. Aboud, Aguirre, Arzberger, Hale, Hellon, Miranda, Mitchell, Rios.

Last action: 1/26, referred to Senate Health; Appropriations.

ARS Titles Affected: 32.

[S1410:](#) TRAFFIC VIOLATIONS; FINES; DISTRIBUTION

Establishes a Department of Public Safety (DPS) Fund. Requires 46 percent of all fees, fines, forfeitures and civil penalties imposed and collected annually by municipal courts for traffic complaints issued on a freeway in excess of the amount collected by the courts for calendar year 2005 be deposited in the DPS Fund. Sets provisions for how the money may be spent. Other provisions.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Barnes, Reagan, Rosati, Sen. Allen, Blendu.

Last action: 2/8, from Senate Transportation, amended.

ARS Titles Affected: 28, 41.

[S1416:](#) LEASE TERMINATION (~~LEASE TERMINATION; DOMESTIC VIOLENCE~~)

Allows a tenant to terminate a rental agreement if the tenant or a member of the tenant's household was a victim of sexual abuse, sexual assault, sexual conduct with a minor or stalking, subject to specified requirements.

Primary sponsor: Sen. Hellon.

Last action: 3/20, referred to House Judiciary.

ARS Titles Affected: 33.

[S1418:](#) VEHICLE RESTRAINT VIOLATIONS; ENFORCEMENT

Allows a peace officer to stop a motorist and issue a citation for failure to wear a seat belt without the stop being conditional on another violation.

Primary sponsor: Sen. Hellon. Co-sponsors: Rep. Aguirre, Alvarez, Bradley, Chase, Downing, Hershberger, Kirkpatrick, Lopes, Lopez, McClure, Prezelski, Tom, Sen. Cannell, Miranda.

Last action: 2/14, failed Senate Transportation.

ARS Titles Affected: 28.

S1429: DUTY TO ASK AND REPORT

Requires a person who has a duty to report physical injury, abuse, neglect or reportable offenses against a minor to ask the minor for information concerning the suspected abuse or offense, including the name or age of the alleged perpetrator.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Paton, Sen. Bee.
Last action: 3/9, failed Senate COW.
ARS Titles Affected: 13.

S1430: CHILDREN; CPS

Modifies Child Protective Services (CPS) processes for removing a child, including prohibiting a removal review team from meeting if two members of the Foster Care Review Board (FCRB) are not present. The Family Advocacy Council is established to serve as a resource and advocate for families affected by CPS, and the Family Advocacy Office is established to offer staff support to the Council and conduct research relating to CPS. Other provisions.

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Allen, Knaperek, Pearce, Smith, Jim Weiers, Sen. Bee, Blendu, Burns, Flake, Gould, L. Gray, Harper, Jarrett, Verschoor.
Last action: 6/21, failed to pass House.
ARS Titles Affected: 8, 41.

S1435: CIVIL LEGAL SERVICE FUND; FEES

Sought to establish a civil legal services fund in each county to provide civil legal services to indigent residents of the county, funded through a proposed five-dollar increase to several court fees.

Primary sponsor: Sen. Brotherton. Co-sponsors: Rep. Brown, Burns, Hershberger, Kirkpatrick, Konopnicki, Lopes, Lujan, McComish, O'Halleran, Sen. Aguirre, Hellon.
Last action: 2/1, referred to Senate Judiciary; Appropriations.
ARS Titles Affected: 12.

S1440: SEQUESTERED JURORS; CELL PHONE USE

Prohibits sequestered jurors from using a cell phone, except for emergency purposes.

Primary sponsor: Sen. Hellon. Co-sponsor: Sen. Huppenthal.
Last action: 2/13, held in Senate Judiciary.
ARS Titles Affected: 21.

S1450: DEFENSIVE DRIVING SCHOOL; ELIGIBILITY

Allows a court to require a CDL holder found guilty of moving violation while driving a commercial motor vehicle, instead of while driving a personal or noncommercial vehicle, to attend defensive driving school. Other provisions.

Primary sponsor: Sen. Gould. Co-sponsors: Rep. Gorman, Groe, Sen. Harper, Johnson.

Last action: 2/14, failed Senate Transportation.

ARS Titles Affected: 28.

S1453: LAW ENFORCEMENT OFFICER DISCIPLINE

Original language provided that law enforcement merit councils would hear appeals only in a case where the appeal is based on an order that was arbitrary or made without reasonable cause. All other appeals would be dismissed. An adopted striker amendment would establish a statewide standard of review for law enforcement merit councils. Other provisions.

Primary sponsor: Sen. Flake. Co-sponsors: Rep. Gallardo, Nelson, Reagan.

Last action: 2/20, from Senate Rules okay.

ARS Titles Affected: 38.

S1460: PHOTO ENFORCEMENT CONTRACTS; FEE PROVISIONS

Requires new and renewed photo enforcement contracts between a local authority and a vendor to include a provision for a flat fee for services rendered and prohibits contracts based on the number of citations issued.

Primary sponsor: Sen. Martin.

Last action: 2/14, failed Senate Transportation.

ARS Titles Affected: 28.

S1473: PHOTO RADAR ON FREEWAYS; CITATIONS

Requires a law enforcement officer to witness a violation detected by photo radar on a controlled access highway before a citation may be issued for the violation.

Primary sponsor: Sen. Martin. Co-sponsors: Sen. Blendu, Flake, Harper.

Last action: 2/14, failed Senate Transportation.

ARS Titles Affected: 28.

S1475: SECURE AND VERIFIABLE IDENTIFICATION

For the disbursement of public services in this state that require recipients to produce identification, a department, agency, commission, board or district of this state or a political subdivision of this state shall not accept or recognize any identification document unless the document was issued by a

political subdivision of this state, a federally recognized Indian tribe or a state or federal authority and is verifiable by a law enforcement or homeland security agency. This included law enforcement services, except to report a crime. Other provisions. Similar provisions included in [SCR1030](#).

Primary sponsor: Sen. Martin. Co-sponsors: Sen. Blendu, Flake.
Last action: 2/1, referred to Senate Government.
ARS Titles Affected: 41.

[S1480:](#) SEX OFFENDERS; RESIDENCY RESTRICTIONS; SCHOOLS

A person who is convicted of a sexual offense shall not reside within 440 yards of a child care facility, a private, public or charter school, a public playground or a public swimming pool.

Primary sponsor: Sen. Martin.
Last action: 2/1, referred to Senate Judiciary.
ARS Titles Affected: 13, 41.

[S1493:](#) ORDERS OF PROTECTION; SERVICE

Stipulated that orders of protection would be served by a law enforcement agency of the jurisdiction in which the defendant is presently located. Similar measure proposed in [S1342](#).

Primary sponsor: Sen. Miranda.
Last action: 2/1, referred to Senate Government.
ARS Titles Affected: 13.

[S1496:](#) ARIZONA RANGERS; DPS

Establishes the Arizona Rangers statutorily and requires the director of the Department of Public Safety (DPS) to include the Rangers as part of DPS if the Rangers are organized as a nonprofit organization in Arizona. Other provisions. Similar measure proposed under [H2393](#).

Primary sponsor: Sen. Verschoor. Co-sponsors: Sen. Gould, Harper, Martin.
Last action: 2/15, failed Senate Government.
ARS Titles Affected: 41.

[S1507:](#) PHOTO RADAR; PROHIBITION; APPROPRIATION

Prohibits the use of photo radar to identify speed violations on a controlled access highway. Appropriates an undetermined amount from the Arizona Highway User Revenue Fund (HURF) in FY 2006-2007 to the Department of Public Safety (DPS) for an additional 100 highway patrol officers.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Knaperek, Stump, Yarbrough, Sen. Blendu.
Last action: 2/14, failed Senate Transportation.
ARS Titles Affected: 28.

S1509: TIME LIMITATIONS; SEXUAL OFFENSES

Stipulates there is no statute of limitations for juveniles prosecuted as adults for class 2 felony offenses involving obscene materials, sexual offenses or violent sexual assault.

Primary sponsor: Sen. Jarrett.
Last action: 2/2, referred to Senate Judiciary.
ARS Titles Affected: 13.

S1510: MATERIAL WITNESSES; DETENTION; DEPOSITIONS

A court may authorize the arrest of a material witness if it is deemed impractical to secure their presence with a subpoena. The court may order that a material witness who is detained and who gives a deposition pursuant to this section be released after the witness signs the deposition under oath. Other provisions. Similar provisions included in [H2831](#).

Primary sponsor: Sen. Bee. Co-sponsor: Rep. Paton.
Last action: 2/2, referred to Senate Judiciary.
ARS Titles Affected: 13.

S1513: EMPLOYMENT OF ILLEGAL ALIENS; PENALTIES (~~HOUSING AFFORDABILITY; IMPACT STATEMENT~~)

Striker amendment subjects an employer in Arizona who knowingly and intentionally hires an employee who is not authorized to work in the United States to specified civil penalties. Requires the Attorney General to enforce the civil penalties. Other provisions. Similar measures proposed under [HCR2044](#), [H2823](#), [S1215](#), [S1216](#), [S1558](#).

Primary sponsor: Sen. Leff.
Last action: 2/16, from Senate Commerce and Economic Development, amended.
ARS Titles Affected: 9.

S1515: CRIMINAL JUSTICE; BUDGET RECONCILIATION

Sought to repeal 41-191.09, the attorney general legal services cost allocation fund, established for the purpose of reimbursing the department of law for general agency counsel. Stated that the first \$50 million that would be deposited in the budget stabilization fund after the effective date of this act is appropriated to the Department of Public Safety for border security and

illegal immigration issues. Other provisions. Similar measure proposed as [H2750](#).

Primary sponsor: Sen. Brotherton. Co-sponsors: Sen. Aguirre, Miranda, Mitchell.

Last action: 2/2, referred to Senate Appropriations.

ARS Titles Affected: 41.

[S1536:](#) METHAMPHETAMINE

Prohibits a licensed pharmacist to from selling or distributing more than nine grams of pseudoephedrine. With regard to purchasing precursor chemicals, adds customer's driver's license information to the information retailers must report to the Department of Public Safety. Other restrictions. Other bills that sought restrictions on precursor chemicals related to methamphetamine included [H2228](#), [H2493](#), [H2815](#), [S1383](#).

Primary sponsor: Sen. Aboud. Co-sponsors: Rep. Garcia, Kirkpatrick, Lopez, Prezelski, Sen. Aguirre, Arzberger, Brotherton, Cannell, Garcia, Hale, Harper, Miranda, Mitchell, Rios, Soltero.

Last action: 2/2, referred to Senate Health; Judiciary; Commerce and Economic Development; K-12 Education.

ARS Titles Affected: 13, 15, 32, 36, 41.

[S1547:](#) PRIVATE PRISONERS; TRANSFER

Prohibits a private prison from transferring specified prisoners to this state and authorizes the Director of the Arizona Department of Corrections to impose penalties on a private prison that transfers the prohibited classes of prisoners to this state.

Primary sponsor: Sen. Brotherton. Co-sponsor: Rep. Burges.

Last action: 2/20, from Senate Government, do pass.

ARS Titles Affected: 41.

[S1548:](#) PRIVATE PRISONS; CAPACITY; NOTICE

Prohibits private prisons from exceeding capacity. If a major incident involving public health or safety occurs at a private prison, the private prison shall make a timely report to the Department of Administration on the nature of the incident and shall provide the department of administration, the state Department of Corrections, the Department of Health Services and the Department of Public Safety with access for investigation.

Primary sponsor: Sen. Brotherton.

Last action: 2/2, referred to Senate Government; Judiciary.

ARS Titles Affected: 41.

S1549: FRAUDULENT IDENTIFICATION TASK FORCE

Sought to appropriate \$1,634,100 to the Department of Liquor for its Fraudulent Identification Task Force.

Primary sponsor: Sen. Brotherton. Co-sponsor: Sen. Aguirre.

Last action: 2/2, referred to Senate Appropriations; Judiciary.

ARS Titles Affected: 41.

S1556: MISSING PERSON; DNA IDENTIFICATION

Requires the Department of Public Safety (DPS) to establish a DNA missing persons identification database and requires the database to consist of profiles that are developed from the unidentified human remains, items associated with the missing persons or samples from relatives of the missing persons. A medical examiner or law enforcement agency shall submit samples from the remains of unidentified persons to DPS for DNA testing and inclusion in the database. Other provisions. Similar provisions included in [H2278](#).

Primary sponsor: Sen. Brotherton. Co-sponsor: Sen. Aguirre.

Last action: 2/2, referred to Senate Appropriations; Judiciary.

ARS Titles Affected: 41.

S1558: UNLAWFUL EMPLOYMENT; PENALTIES; ENFORCEMENT

An employer in this state who knowingly and intentionally hires an employee who is not authorized to work in the United States is subject to a civil penalty. The attorney general is authorized to enforce this provision and shall bring a civil action in superior court against any employer who violates this section. Other provisions. Similar provisions included in [H2823](#), [S1215](#), [S1216](#), [S1513](#), [HCR2044](#).

Primary sponsor: Sen. Bee. Co-sponsors: Rep. Konopnicki, Sen. Brotherton, Martin.

Last action: 2/2, referred to Senate Commerce.

ARS Titles Affected: 23.

SENATE CONCURRENT RESOLUTIONS

A concurrent resolution is processed through both senate and the house but is not signed by the governor. It may provide for the following:

- An expression of opinion, commemoration, congratulations or sentiment of both houses.
- Submittal of a referendum to the voters.
- Legislative action involving the process of amending the Arizona or United States Constitution.

SCR1001: STANDING; FEDERAL VIOLATIONS; DAMAGES (~~DEADLY FORCE; USE; HOME PROTECTION~~)

Original language was a proposed constitutional amendment that justifies threatening or using force against others in prescribed instances and establishes a presumption for when a person is acting reasonably when using justifiable force. A striker amendment is a proposed constitutional amendment that prohibits an illegal alien from having standing to file action in a court of Arizona except to recover actual damages.

Primary sponsor: Sen. Harper.

Last action: 6/22, transmitted to Secretary of State for placement on the 2006 general election ballot.

ARS Titles Affected: 98.

SCR1002: TAKINGS; PUBLIC USE; JURIES; FEES

Original language would have placed a ballot measure to allow a party to request a jury to determine whether a taking by an eminent domain action is for a public use. Adopted striker amendment would stipulate that the Economic Estimates Commission (EEC) must determine the estimated State General Fund revenues by February 1 for the next fiscal year. Other provisions.

Primary sponsor: Sen. Blendu. Co-sponsors: Rep. Jerry Weiers, Sen. Bee, Burns, Flake, Gould, L. Gray, Harper, Huppenthal, Martin, Verschoor.

Last action: 3/13, from House Federal Mandates and Property Rights, amended with striker (see above).

ARS Titles Affected: 98.

SCR1004: MISDEMEANOR JURY TRIALS

Subject to voter approval, grants the right of trial by jury to all persons charged with a misdemeanor.

Primary sponsor: Sen. Huppenthal.

Last action: 2/27, from Senate Rules okay; to consent calendar.

ARS Titles Affected: 98.

SCR1007: COMMUTATION; GOVERNOR'S POWER TO GRANT

Would place on the 2006 general ballot the question of removing from the Constitution the Governor's ability to grant commutation.

Primary sponsor: Sen. L. Gray.

Last action: 1/30, held in Senate Judiciary.

ARS Titles Affected: 98.

SCR1010: SENTENCING; THIRD FELONY OFFENSES

A referendum measure that requires life imprisonment for a person convicted of a violent or aggravated felony if the person has two previous convictions of violent or aggravated felonies or specific Class 2, 3 or 4 felonies. Similar measure signed into law ([S1444](#)).

Primary sponsor: Sen. Leff. Co-sponsors: Rep. Boone, Burns, Konopnicki, Nichols, Pearce, Pierce, Yarbrough, Sen. Waring.

Last action: 3/13, from House Federal Mandates and Property Rights, do pass.

ARS Titles Affected: 98.

SCR1013: JUSTICES AND JUDGES; RETIREMENT AGE

Original language would increase the retirement age for superior court judges. An adopted striker amendment sought to make substantial changes to Clean Elections provisions.

Primary sponsor: Sen. Huppenthal. Co-sponsors: Rep. Barnes, Burns, Konopnicki, Lopes, Nelson, Pearce, Pierce, Quelland, Reagan, Rios, Tully, Yarbrough, Sen. Brotherton, Flake, Harper, Leff.

Last action: 4/19, withdrawn from House Judiciary.

ARS Titles Affected: 98.

SCR1018: POLICE TOOLS; CRIMINAL SUSPECTS; IMMUNITY

Subject to voter approval, exempts from civil liability for damages victims, law enforcement officers, the state or any political subdivision, or manufacturer of police tools when a person is harmed who is reasonably suspected of having committed a felony. Similar measure proposed as [HCR2049](#). Similar measure signed into law: [S1072](#).

Primary sponsor: Sen. Martin. Co-sponsor: Sen. Harper.

Last action. 3/7, Senate COW approved, amended.

ARS Titles Affected: 97.

SCR1026: SINGLE SUBJECT; COURT REVIEW

Original language provided that at any time before the filing of an initiative petition with the secretary of state that proposes an amendment to the constitution, proponents of the initiative petition may submit the petition text to the supreme court for a determination of whether the measure contains a single subject. The supreme court shall promptly issue its determination that the measure contains a single subject or, if not, a brief explanation why the measure violates the single subject requirement. (Similar provision introduced as [HCR2019](#)). A striker was adopted that amends the Arizona Constitution to allow the Legislature to increase the income limitations relating to the Senior Property Valuation Freeze, subject to voter approval.

Primary sponsor: Sen. Martin.

Last action: 2/16, held in Senate Finance.

ARS Titles Affected: 98.

SCR1030: VERIFIABLE AND SECURE IDENTIFICATION

For the disbursement of public services in this state that require recipients to produce identification, a department, agency, commission, board or district of this state or a political subdivision of this state shall not accept or recognize any identification document unless the document was issued by a political subdivision of this state, a federally recognized Indian tribe or a state or federal authority and is verifiable by a law enforcement or homeland security agency. Similar provisions included in [S1475](#).

Primary sponsor: Sen. Martin. Co-sponsor: Sen. Blendu.

Last action: 3/29, House Appropriations (Pearce), do pass.

ARS Titles Affected: 97.

SCR1033: METHAMPHETAMINE OFFENSES; PROBATION INELIGIBILITY

Subject to voter approval, prevents a person convicted of drug charges involving methamphetamine from being eligible for probation under the Drug Medicalization, Prevention, and Control Act of 1996.

Primary sponsor: Sen. Bennett. Co-sponsors: Rep. Nelson, Quelland, Sen. Bee, Burns, Flake, Gould, L. Gray, Harper, Jarrett, Johnson, Leff, Martin, Verschoor, Waring.

Last action: 6/21, passed House, to Secretary of State.

ARS Titles Affected: 97.

SCR1039: ILLEGAL IMMIGRATION; OMNIBUS

Upon voter approval, would require local law enforcement to enter into a memorandum of understanding with the U.S. Department of Justice or the U.S. Department of Homeland Security to designate officers as immigration officers qualified to investigate, apprehend and detain illegal aliens. This state and any political subdivision of this state shall not prohibit a peace officer from questioning a suspect's immigration status. Prohibited awarding of punitive damages for those persons in violation of certain federal immigration laws. Provided qualified immunity for public servants for the enforcement of immigration laws, the detention or arrest of any person for immigration law violations and the questioning of any person about the person's immigration status. Applied criminal trespass laws to persons illegally entering or remaining on any public or private land. Required legal residency for the family literacy, adult education, childcare assistance and financial assistance programs for public universities or community colleges. Other provisions. Similar provisions included in [H2070](#), [H2071](#), [H2072](#), [H2073](#), [H2577](#), [H2582](#), [H2589](#), [S1157](#).

Primary sponsor: Sen. Bee. Co-sponsors: Sen. Bennett, Blendu, Burns, Flake, Gould, Huppenthal, Johnson, Leff, Martin, Tibshraeny.
Last action: 6/21, referred to Senate Judiciary.
ARS Titles Affected: 97.

Senate bills vetoed by the Governor

S1062: DEPOSIT; FEDERAL MONIES

Directs, retroactive to May 1, 2005, any unrestricted federal monies, received May 1, 2005, through June 30, 2006, to be deposited in the state General Fund to be used for the payment of essential government services.

Primary sponsor: Sen. Bee. Co-sponsors: Sen. Bennett, Burns, Jarrett, Martin, Tibshraeny.

Vetoed 1/18.

ARS Titles Affected: 41.

S1097: HUMAN EGG HARVESTING; INFORMED CONSENT (~~DOMESTIC VIOLENCE; ORDERS OF PROTECTION~~)

Mandates that human eggs may not be taken from a woman without voluntary and informed consent. States that the donor must certify in writing that she has been informed about the procedure by her physician. Asserts that a physician who violates these requirements is guilty of unprofessional conduct and may have his or her license suspended or revoked

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Burges, Pearce, Quelland. Vetoed 6/28.

ARS Titles Affected: 32.

S1157: TRESPASSING BY ILLEGAL ALIENS

Sought to establish the crime of trespassing by illegal aliens, with prescribed penalties. Would allow a peace officer to question a person about his or her immigration status under particular circumstances. Other provisions.

Primary sponsor: Sen. Leff. Co-sponsors: Rep. Allen, Gorman, Murphy, Nelson, Paton, Pearce, Quelland, Reagan, Tully, Sen. Allen, Bee, Bennett, Blendu, Burns, Flake, Gould, L. Gray, Harper, Huppenthal, Jarrett, Johnson, Martin, Tibshraeny, Verschoor, Waring.

Vetoed 4/17.

ARS Titles Affected: 13.

S1425: EMERGENCY; CONFISCATION OF FIREARMS; PROHIBIT

Prohibits the governor, the Adjutant General or any other official or person from placing any additional restriction on the lawful possession, transfer, sale, transport, carrying, storage, display or use of firearms or ammunition components during a state of emergency declared by the governor.

Primary sponsor: Sen. Martin. Co-sponsors: Rep. Paton, Sen. Allen, Bee, Bennett, Blendu, Burns, Flake, L. Gray, Harper, Jarrett, Johnson.

Vetoed 4/26.

ARS Titles Affected: 26.

2006 HOUSE BILLS

The following section includes House bills that were signed into law, bills that failed to pass the state legislature, House concurrent resolutions and bills that were vetoed by the governor. The summaries include the status of the bill, the ARS title affected and the bill's original sponsor(s). **Please note:** bills that are amended during the process may not be supported by the original sponsor. This is particularly true with striker bills in which all original language is stricken from the proposed bill and new language is inserted. Often, the new language has nothing to do with the original intent of the bill.

Bills that passed

H2024: GOVERNMENT ANTI-I.D. THEFT ASSESSMENT

Requires state government agencies to establish procedures to ensure that personal identifying information is secure.

Primary sponsor: Rep. Robson.

Signed by the governor, 4/17. Chapter 117.

ARS Titles Affected: 41.

H2048: CPS; SEMIANNUAL REPORTS; CHILD DEATHS

Requires DES to report the number of children who died while in DES custody and to report the number of children with an open or active CPS case who died as a result of abuse. Other provisions.

Primary sponsor: Rep. Knaperek. Co-sponsors: Rep. Burges, Stump, Jerry Weiers, Sen. Garcia, Johnson.

Signed by the governor, 4/25. Chapter 203.

ARS Titles Affected: 8.

H2074: WEAPONS PERMIT; CONCEALED CARRY, RENEWAL

Allows a person to renew his or her CCW permit without attending a two-hour refresher course. Establishes new guidelines for recognizing a concealed weapon, firearm or handgun permit or license that is issued by another state or political subdivision of another state.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Nelson, Pearce, Smith, Sen. Harper, Johnson, Martin.

Signed by the governor, 4/17. Chapter 121.

ARS Titles affected: 13.

H2076: WEAPONS; MISCONDUCT; STORAGE; MAP POCKET

Requires an operator of a public establishment or sponsor of a public event to provide temporary and secure storage for weapons that the operator or sponsor has requested the owner remove. Allows a person to carry a weapon or weapons within the map pocket of a vehicle without a CCW permit. Other provisions, including exceptions.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Gorman, Murphy, Nelson, Smith, Sen. Harper, Johnson.

Signed by the governor, 6/6. Chapter 313.

ARS Titles affected: 13.

H2082: ASRS; BENEFIT ELECTION; SPOUSAL NOTIFICATION

Requires members of the Arizona State Retirement System to notify their current spouse before naming a beneficiary or contingent annuitant other than their current spouse.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. McCune-Davis, Sinema, Sen. Huppenthal.

Signed by the governor, 4/12. Chapter 103.

ARS Titles affected: 38.

**H2083: HIT AND RUN SENTENCING; MITIGATING;
AGGRAVATING (~~CORP COMMISSION EMPLOYEES; ANNUAL LEAVE~~)**

Striker amendment expands the list of aggravating and mitigating circumstances to include the failure or compliance with statutes governing vehicular accidents resulting in the injury or death of another person.

Primary sponsor: Rep. Huffman.

Signed by the governor, 4/12. Chapter 106.

ARS Titles affected: 13.

H2091: DEFIBRILLATORS; GOOD SAMARITANS

Provides protection against civil liability to those individuals and organizations that provide automated external defibrillators. However, equipment users must comply with training and reporting requirements to be granted limited civil liability.

Primary sponsor: Rep. Quelland. Co-sponsor: Rep. Rosati.

Signed by the governor, 4/17. Chapter 124.

ARS Titles affected: 36.

H2110: EPINEPHRINE; GOOD SAMARITANS

Holds that an individual who administers epinephrine is not subject to civil liability unless the person acts with gross negligence, willful misconduct or intentional wrongdoing.

Primary sponsor: Rep. Quelland.

Signed by the governor, 4/11. Chapter 92.

ARS Titles affected: 36.

H2128: AMUSEMENT GAMBLING; CHARITABLE ORGANIZATIONS

Allows specified tax exempt organizations to contract with outside agents to conduct a raffle and to conduct an amusement gambling contest without registering with the Attorney General.

Primary sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Allen, Biggs, Burges, Chase, Jones, Mason, McClure, McLain, Murphy, Nelson, Quelland, Sen. Verschoor.

Signed by the governor, 4/17. Chapter 127.

ARS Titles affected: 36.

**H2129: ILLEGAL HUNTING; PENALTIES (~~GAME AND FISH;~~
~~ENFORCEMENT; PENALTIES~~)**

Increases penalties for the unlawful taking or possession of wildlife. Prohibits a judge, justice of the peace or magistrate from setting aside a judgment of guilt, dismissing the accusations or information, or ordering that the person be released from all penalties and disabilities imposed by the Arizona Game and Fish Commission for the unlawful taking or wounding of specified wildlife.

Primary sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Biggs, Chase, Jones, Mason, McClure, Murphy, Quelland, Sen. Verschoor.

Signed by the governor, 5/2. Chapter 238.

ARS Titles affected: 8, 13, 17.

H2133: LENGTHY TRIAL FUND; JUROR COMPENSATION

Reduces the number of days a juror must serve before being eligible for earnings replacement through the Fund from more than 10 days to more than five days. Enables a juror to collect replacement or supplemental earnings from the Fund beginning on the fourth day of jury service.

Primary sponsor: Rep. Nelson. Co-sponsors: Rep. Downing, Jerry Weiers, Sen. Blendu.

Signed by the governor, 4/21. Chapter 179.

ARS Titles affected: 21.

H2134: NUCLEAR FACILITY; EMERGENCY PLANNING ZONE

Requires the owner(s) of a commercial nuclear generating facility to submit a legal description of an emergency planning zone to the county recorder.

Primary sponsor: Rep. Nelson. Co-sponsors: Rep. Prezelski, Sen. Blendu.
Signed by the governor, 3/24. Chapter 10.
ARS Titles affected: 26.

H2174: PHOTO ENFORCEMENT; SIGNAGE

Requires agencies using a photo enforcement system to detect traffic violations to post signage indicating that a photo enforcement system is present and operational.

Primary sponsor: Rep. Robson. Co-sponsor: Rep. Gorman.
Signed by the governor, 4/24. Chapter 188.
ARS Titles affected: 28.

H2208: MOTOR VEHICLES; UNLAWFUL OPERATION (~~LICENSE PLATE DESIGN~~)

Creates the crimes of causing death by use of a vehicle, a class 4 felony, and causing serious physical injury by use of a vehicle, a class 5 felony. Criminalizes, as a class 3 misdemeanor, causing serious physical injury or death by a moving violation. Repeals the following criminal statutes on January 1, 2012: causing serious physical injury or death by a moving violation; causing serious physical injury by use of a vehicle; causing death by use of a vehicle. Other provisions.

Primary sponsor: Rep. Biggs.
Signed by the governor, 5/25. Chapter 297.
ARS Titles affected: 13, 28.

H2220: PUBLIC RECORDS CONFIDENTIALITY; CODE OFFICER (~~CODE ENFORCEMENT OFFICER; I.D. INFORMATION~~)

Authorizes code enforcement officers to submit an affidavit to the county recorder, county assessor, county treasurer and the Motor Vehicle Division requesting the restriction of public access to personal identifying information.

Primary sponsor: Rep. Nelson.
Signed by the governor, 5/26. Chapter 298.
ARS Titles affected: 39.

H2221: RESIDENTIAL RENTAL INSPECTION PROGRAM (~~SHERIFFS AND CONSTABLES; FEES; FUND~~)

Original language established the Constable Ethics Committee Fund, funded through a new fee for every writ severed on behalf of the Justice of the Peace. Striker authorized municipalities to adopt an ordinance to establish residential rental inspection programs for the purpose of inspecting residential rental units to determine compliance with building codes.

Primary sponsor: Rep. Nelson. Co-sponsor: Rep. Pierce.
Signed by the governor, 5/19. Chapter 285.
ARS Titles affected: 9, 33.

H2229: PEACE OFFICERS MEMORIAL BOARD; COMPOSITION

Six members are added to the Arizona Peace Officers Memorial Board: the director of the Department of Corrections; the executive director of the Arizona Criminal Justice Commission; two family members of peace officers who lost their lives in the line of duty; and two members from a statewide organization representing law enforcement personnel.

Primary sponsor: Rep. Konopnicki.
Signed by the governor, 4/10. Chapter 64.
ARS Titles affected: 41.

H2232: CAPITOL POLICE; RESERVE OFFICERS

Authorizes the Arizona Department of Administration to establish the Capitol Police Reserve as a volunteer organization.

Primary sponsor: Rep. Konopnicki.
Signed by the governor, 4/17. Chapter 131.
ARS Titles affected: 41.

H2307: PROSTITUTION; CITY ORDINANCES (~~HOA; DISCLOSURE~~)

Striker amendment allows municipalities to enact and enforce prostitution ordinances that provide a punishment (for misdemeanors) that is at least as stringent as provided in law. Provides minimum jail penalties for prostitution, including a first offense.

Primary sponsor: Rep. Gray.
Signed by the governor, 5/8. Chapter 259.
ARS Titles affected: 13.

H2322: DRIVING SCHOOLS; LIMITATION OF HOURS

Requires that defensive driving school classes not exceed a total of four and one-half hours, including any testing, reviewing and grading related to the defensive driving school class.

Primary sponsor: Rep. Allen.
Signed by the governor, 3/29. Chapter 23.
ARS Titles affected: 28.

H2339: DPS; DIRECTOR; INDUSTRIAL INJURY LEAVE

Allows civilian Department of Public Safety employees who have been injured in the course of performing or assisting in law enforcement or hazardous duties to have the maximum of 2080 hours of industrial injury leave.

Primary sponsor: Rep. McClure. Co-sponsors: Rep. Boone, Konopnicki, Lopez, O'Halleran.
Signed by the governor, 5/9. Chapter 268.
ARS Titles affected: 41.

H2376: INDECENT EXPOSURE; BREAST-FEEDING

Allows a mother to breast-feed in any area of a public place or public accommodation where the mother is legally entitled to be. Establishes that breast-feeding does not constitute indecent exposure.

Primary sponsor: Rep. Paton. Co-sponsor: Sen. Bee.
Signed by the governor, 4/17. Chapter 135.
ARS Titles affected: 13, 41.

H2387: MEXICO ENTRY; MINORS (~~MOTOR VEHICLE SALE ADVERTISEMENTS~~)

Allows municipal or county governments to adopt ordinances to permit a peace officer or sheriff to prevent minors from entering into the Republic of Mexico if the minor is unaccompanied by or does not have the written consent from a parent or guardian, or if the minor does not have a passport. Does not allow the sheriff or peace officer to detain the minor.

Primary sponsor: Rep. Pierce. Co-sponsors: Rep. Allen, Jones, Kirkpatrick, Nelson, Nichols, Stump, Yarbrough.
Signed by the governor, 4/18. Chapter 174.
ARS Titles affected: 9, 11.

H2440: PUBLIC PARTICIPATION IN GOVERNMENT (~~CLEAN-UP OF VICTIMS' RIGHTS~~)

Allows a defending party to file a motion to dismiss in any legal action that involves a party's exercise of the right of petition. Allows the motion to dismiss to be filed within 90 days after the service of the complaint or at any later time that the court deems proper. Seeks to counter strategic lawsuits against public participation (SLAPP lawsuits), in which individual are sued

because they have publicly acted to influence government action (such as citizens groups speaking against proposed development in their communities). Other provisions.

Primary sponsor: Rep. Farnsworth.
Signed by the governor, 4/28. Chapter 234.
ARS Titles affected: 12.

**H2484: SECURE RECORDS DISPOSAL (~~NOTARY PUBLIC;~~
~~SIGNATURES OF RELATIVES~~)**

Stipulates that an entity must not knowingly discard or dispose of records or documents without redacting the information or destroying the records or documents if the records or documents contain specific personal identifying information. Allows the county attorney or the Attorney General to enforce record disposal requirements and provides for civil penalties for violations. Other provisions, some exemptions.

Primary sponsor: Rep. McComish.
Signed by the governor, 4/25. Chapter 208.
ARS Titles affected: 13, 44.

**H2490: ADULT ORIENTED BUSINESSES; LOCATION (~~SEX~~
~~OFFENDERS; ANNUAL COMMUNITY NOTIFICATION~~)**

Prohibits adult oriented businesses from being located within a quarter mile of a childcare facility, public playground, school, public recreational facility, residence or house of worship.

Primary sponsor: Rep. Knaperek.
Signed by the governor, 4/26. Chapter 227.
ARS Titles affected: 13.

**H2554: SUBSTANCE ABUSE TREATMENT; METH INTERDICTION;
APPROPRIATIONS (~~ALCOHOL TAX; SUBSTANCE ABUSE TREATMENT~~)**

Appropriated \$3 million from the state general fund in fiscal year 2006-2007 to the Arizona Criminal Justice Commission for distribution by population to each county board of supervisors for increased methamphetamine interdiction efforts including investigation, training, prosecution, abuse treatment or education programs. Appropriated \$500,000 from the state general fund in fiscal year 2006-2007 to the Arizona Department of Health Services for comprehensive, curriculum based methamphetamine prevention services. Appropriated \$2 million from the general fund to the Department of Economic Security for a family-based program for substance abuse treatment. Appropriated \$500,000 from the general fund to the Department of Health Services to fund meth prevention programs serving children.

Primary sponsor: Rep. Anderson.
Signed by the governor, 6/21. Chapter 337.
ARS Titles affected: 36, 42.

H2558: ADULT PROTECTIVE SERVICES; INVESTIGATIONS

Requires Department of Economic Security to maintain an Adult Protective Services Registry of substantiated reports of abuse, neglect and exploitation of vulnerable adults. Establishes process for notifying persons accused of abuse, neglect and exploitation of vulnerable adults. Establishes an appeals process for persons who are accused of abuse, neglect or exploitation of a vulnerable adult and investigated by DES.

Primary sponsor: Rep. Anderson. Co-sponsors: Rep. Barnes, Burges, Burns, Chase, Pearce, Rosati.
Signed by the governor, 4/25. Chapter 211.
ARS Titles affected: 41, 46.

H2580: ILLEGAL ALIENS; INCARCERATION; BAIL

Expands the list of persons who are not eligible for bail to include a person charged with a serious felony offense if the person has entered/remained in the U.S. illegally and the proof is evident/presumption great that the person is guilty of the offense. Requires a law enforcement agency to determine a person's country of citizenship once that person is brought to the agency for incarceration. Contains a conditional enactment clause that prohibits the bill from being enacted unless the state constitution is amended at the next general election to prevent a person from being eligible for bail if the person is charged with a serious felony offense and the person has entered or remained illegally in the United States.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Allen, Anderson, Barnes, Biggs, Boone, Farnsworth, Murphy, Nichols, Jim Weiers, Sen. Burns, Gould, Harper, Johnson, Martin.
Signed by the governor, 6/28. Chapter 380.
ARS Titles affected: 13.

H2581: FELONIES; RECLASSIFICATION

Re-classifies various offenses as class 1 misdemeanors rather than class 6 felonies; raises the monetary threshold for shoplifting and the corresponding penalties.

Primary sponsor: Rep. Farnsworth. Co-sponsors: Rep. Allen, Barnes, Biggs, Boone, Pearce.
Signed by the governor, 4/24. Chapter 195.
ARS Titles affected: 13.

H2584: CONCEALED WEAPONS; FIREARMS SAFETY TRAINING

A person who receives a certificate of firearms proficiency from the Department of Public Safety is able to obtain a concealed weapons permit without having to complete a firearms safety training program.

Primary sponsor: Rep. Pearce. Co-sponsors: Biggs, Boone, Burges, Murphy, Nelson, Sen. Johnson, Martin.

Signed by the governor, 4/10. Chapter 70.

ARS Titles affected: 13.

H2614: DISCLOSURE OF PERSONAL INFORMATION; MVD

Extensive changes to laws regulating the release of personal information by Arizona Department of Transportation (ADOT). Prohibits the ADOT from disclosing or otherwise making available to any person personal information obtained by ADOT in connection with a motor vehicle record except under authorized circumstances. Outlines additional authorized circumstances in which ADOT may disclose personal information. Other provisions.

Primary sponsor: Rep. Biggs.

Signed by the governor, 5/30. Chapter 304.

ARS Titles affected: 28.

H2621: ILLEGAL LIQUOR SALES; LIABILITY

Prohibits a liquor licensee from being charged with knowing that a person has become intoxicated at other locations unless the person was obviously intoxicated. Prohibits the trier of fact from considering any information obtained as a result of a restaurant audit in a dram shop liability case, unless the court finds it relevant.

Primary sponsor: Rep. Reagan. Co-sponsors: Rep. McComish, Meza, Paton, Stump, Sen. Aguirre.

Signed by the governor, 6/28. Chapter 383.

ARS Titles affected: 4.

H2649: FIREARMS; POSSESSION; STORAGE

Prohibits the state, any agency or any political subdivision of the state from enacting or implementing any new law, rule or ordinance relating to the possession or storage of firearms except to implement provisions that are specified in statute. Some exemptions. Other provisions.

Primary sponsor: Rep. Murphy. Co-sponsors: Rep. Biggs, Burges, Gorman, Groe, Pearce.

Signed by the governor, 5/19. Chapter 288.

ARS Titles affected: 13.

H2754: SECURITY GUARDS; PRIVATE INVESTIGATORS; RECIPROCITY

Allows the Department of Public Safety to enter into reciprocal agreements with other states that have substantially similar laws as Arizona to allow security guards and private investigators to work in Arizona on a temporary basis and makes other changes to the private investigator and security guard statutes.

Primary sponsor: Rep. Burns. Co-sponsor: Sen. L. Gray.
Signed by the governor, 4/17. Chapter 142.
ARS Titles affected: 32.

H2785: PHONE RECORDS; UNAUTHORIZED SALE PROHIBITED

Prohibits a person from knowingly procuring, attempting to procure, soliciting or conspiring with another to procure a telephone record of any Arizona resident without the authorization of the customer or by fraudulent, deceptive or false means. States that the provisions do not prevent any action by a law enforcement agency from obtaining telephone records in connection with the official duties of the agency. Other provisions.

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Mason, Sen. Bee.
Signed by the governor, 5/8. Chapter 260.
ARS Titles affected: 44.

H2793: DOC; PEACE OFFICER STATUS

Includes Department of Corrections and Department of Juvenile Corrections employees who have received a certificate from the Board in the definition of a peace officer.

Primary sponsor: Rep. Chase. Co-sponsors: Rep. Allen, Barnes, Smith.
Signed by the governor, 5/2. Chapter 245.
ARS Titles affected: 1, 41.

House Bills that failed

H2002: JUSTICES OF THE PEACE; DUTIES

Original language gave Justices of the Peace (JPs) managerial control over the court clerks and other support personnel. A striker amendment outlined specific administrative duties for JPs. For counties with populations over one million persons, JPs would have the authority to appoint a chief clerk and a deputy chief clerk to serve at the pleasure of the JP and would have responsibility over daily operations of justice courts. Other provisions.

Primary sponsor: Rep. Quelland.

Last action: 2/9, from House Judiciary amended.

ARS Titles affected: 22.

H2015: COMPROMISED INFORMATION; DISCLOSURE

Required any person or entity that conducts business in this state and that owns or licenses computerized data that includes personal identifying information or entity identifying information shall disclose any breach of the security of the system following discovery or notification of the breach in data security to each resident of this state whose personal identifying information or entity identifying information was or is reasonably believed to have been acquired by an unauthorized person. Other provisions. Similar measure passed as [S1338](#).

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Burges.

Last action: 1/30, referred to House Commerce.

ARS Titles affected: 44.

H2016: RECORDS DISPOSAL; PERSONAL IDENTIFYING INFORMATION

Required businesses to properly dispose of a record containing personal identifying information or entity identifying information by shredding the records; erasing personal information before disposal; redacting personal identifying information before disposal; or taking actions that the business reasonably believes will ensure that no unauthorized person will have access to the personal or entity identifying information. Similar measure passed as [H2484](#).

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Burges.

Last action: 1/30, referred to House Commerce.

ARS Titles affected: 44.

H2018: PROSTITUTION; SENTENCING

Set mandatory jail sentences for first and second prostitution convictions: 30 days first conviction, 180 days second conviction.

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Nelson.

Last action: referred to House Judiciary, 1/19.

ARS Titles affected: 13.

H2019: GOVERNMENT AGENCY; COMPROMISED INFORMATION

Requires a governmental agency that owns or licenses computerized data that includes personal identifying information or entity identifying information to disclose within 72 hours any breach of the security of the system following discovery or notification of the breach in data security to each resident whose information has been compromised. Other provisions.

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Pearce

Last action: 1/30, referred to House Government Reform and Government Finance Accountability.

ARS Titles affected: 41.

H2020: GOVERNMENT AGENCY; RECORDS DISPOSAL

Required government agencies to properly dispose of a record containing personal identifying information or entity identifying information by shredding the records; erasing personal information before disposal; redacting personal identifying information before disposal; or taking reasonable actions that will ensure that no unauthorized person will have access to the personal or entity identifying information. A disposal bill passed as [H2484](#).

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Pearce.

Last action: 1/30, referred to House Government Reform and Government Finance Accountability.

ARS Titles affected: 41.

**H2029: PERSONAL INFORMATION; PHARMACEUTICAL
PURCHASE (~~TECH CORRECTION; MUNICIPAL BONDS~~)**

Makes the Attorney General responsible for the collection and storage of information for any municipality that enacts an ordinance requiring businesses to collect personal information from customers when selling pharmaceutical products. Requires the Attorney General to collect the information at least once every three months.

Primary sponsor: Rep. Nelson.

Last action: 3/16, referred to Senate Government.

ARS Titles affected: 9.

H2032: CRIMES AGAINST CHILDREN; COMMERCIAL SEXUAL EXPLOITATION

Added molestation of a child who is under twelve years of age, commercial sexual exploitation of a minor who is under twelve years of age to the definition of dangerous crimes against children, including sentencing provisions.

Primary sponsor: Rep. Barnes.

Last action: 1/9, referred to House Judiciary.

ARS Titles affected: 13.

H2037: DANGEROUS CRIMES AGAINST CHILDREN; NO EARLY RELEASE

Prohibits 90 day early out, if the detainee was convicted of a dangerous crime against children.

Primary sponsor: Rep. Barnes.

Last action: 1/23, from House Public Institutions and Retirement, do pass.

ARS Titles affected: 13, 31, 41.

H2045: SEX OFFENDERS; PROBATION; ELECTRONIC MONITORING

Would require lifetime global position system monitoring if a court imposed lifetime probation on a person convicted of a dangerous crime against children or on a sex offender who violated requirements to register with law enforcement. Similar measure was signed into law: [S1371](#).

Primary sponsor: Rep. Knaperek. Co-sponsor: Rep. Jim Weiers.

Last action: 1/9, referred to House Judiciary; Appropriations (Pearce).

ARS Titles affected: 13.

H2047: EMERGENCY TRANSPORTATION OF INMATES; RATES

Original language stipulated that the Department of Corrections must reimburse ambulance service fees from transportation of inmates in emergency situations. Proposed striker amendment sought to establish the State Health Insurance Plan for Uninsurable Individuals in the Department of Insurance (DOI) and prescribes eligibility and operational requirements for the Plan. Striker failed in Senate Finance.

Primary sponsor: Rep. Knaperek. Co-sponsor: Rep. Jim Weiers.

Last action: 3/30, failed Senate Finance.

ARS Titles affected: 41.

H2053: REMOVAL OF VEHICLES; TERRORIST THREAT

States that an unattended vehicle left in the immediate vicinity of a federal, state or local facility may be removed from the vicinity when the observing officer has reason to believe the vehicle poses a terrorist threat.

Primary sponsor: Rep. Nelson. Co-sponsor: Rep. Garcia.

Last action: 1/11, from House Counties, Municipalities and Military Affairs, do pass.

ARS Titles affected: 28.

H2070: CRIMINAL TRESPASS; UNLAWFUL ENTRY

Original language applied criminal trespass laws to persons illegally entering or remaining on any public or private land and designates a class 6 felony to the violation. Striker amendment sought to make changes to the statutes regulating motor vehicle brokers. Trespass measures included in [H2073](#), [H2577](#), [H2582](#), [H2589](#), [S1157](#), [SCR1039](#).

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Murphy, Nelson, Pearce, Smith, Sen. Harper, Johnson.

Last action: 2/15, referred to House Commerce.

ARS Titles affected: 13.

H2071: PEACE OFFICERS; DUTY; IMMIGRATION STATUS

Stipulated that a peace officer who lawfully detains a person based on the reasonable suspicion that the person has committed, is committing or is about to commit a crime has a duty to question that person regarding the person's immigration status. Further provided that this state and any political subdivision of this state shall not prohibit a peace officer from questioning a suspect's immigration status. Similar provisions included in [H2577](#); [H2582](#); [S1157](#); [SCR1039](#).

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Nelson.

Last action: 1/10, referred to House Judiciary.

ARS Titles affected: 13.

H2072: SOVEREIGN IMMUNITY; IMMIGRATION ENFORCEMENT

Sought to provide qualified immunity for public servants for the enforcement of immigration laws, the detention or arrest of any person for immigration law violations and the questioning of any person about the person's immigration status. Similar provisions included in [H2073](#), [H2582](#), [H2577](#), [S1157](#), [SCR1039](#).

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Nelson.

Last action: 1/10, referred to House Judiciary.

ARS Titles affected: 12.

H2073: ILLEGAL ALIENS; PROHIBITED POSSESSORS

Original language included illegal aliens as prohibited possessors of firearms. Adopted striker amendment was a catch-all of illegal immigration provisions, including qualified immunity for public servants enforcing immigration laws; permitting peace officers to inquire about a suspect's immigration status; adding presence of illegal aliens to the state criminal trespass laws; excluding illegal aliens from worker's compensation; adding illegal aliens to the list of prohibited possessors of firearms. Other provisions. Trespassing provisions included in [H2577](#), [H2582](#), [H2589](#), [S1157](#), [SCR1039](#).

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Murphy, Nelson, Pearce, Sen. Martin.

Last action: 2/6, from House Federal Mandates and Property Rights, amended.

ARS Titles affected: 13.

H2075: CONCEALED WEAPONS; DEFENSE TO PROSECUTION

Required "intent to commit a serious offense or violent crime" as a condition of violating the concealed weapons law, a class 1 misdemeanor.

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Nelson.

Last action: 2/2, held in House Judiciary.

ARS Titles affected: 13.

H2077: CONCEALED WEAPONS PERMITS; SAFETY COURSE

Sought to amend concealed weapons statutes by allowing for permit holders to attend an eight-hours course certified by the National Rifle Association; by allowing Arizonans to hold a CCW permit from a state recognized in reciprocity instead of holding an Arizona permit; and by capping the CCW fee at \$65.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Murphy, Nelson, Pearce, Smith, Sen. Harper, Johnson, Martin.

Last action: 1/10, referred to House Judiciary.

ARS Titles affected: 13.

H2078: ELECTIONS; THEFT OF PUBLIC RESOURCES

Sought to classify as theft engaging in activity for the purpose of influencing the outcome of an election at public expense.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Murphy, Nelson, Pearce, Sen. Martin.

Last action: 1/11, referred to House Judiciary; Government Reform and Government Finance Accountability.

ARS Titles affected: 13.

H2099: CELLULAR TELEPHONES; USE WHILE DRIVING

Prohibited persons from operating a motor vehicle on a highway while using a cellular telephone unless the cellular telephone is equipped with a hands-free device. Proscribed penalties.

Primary sponsor: Rep. Prezelski. Co-sponsors: Rep. Gallardo, Garcia, Lopez, Meza, Sinema.

Last action: 1/11, referred to House Transportation; Commerce; and Judiciary.

ARS Titles affected: 28.

H2111: WORKERS' COMP; DRUGS AND ALCOHOL

Makes changes to workers' compensation laws regarding the payment of benefits to an injured worker whose use of alcohol or unlawful use of drugs was a substantial contributing cause of the worker's injury conditional on the enactment of [HCR 2004](#), which was held in Senate Commerce and Economic Development.

Primary sponsor: Rep. McComish. Co-sponsors: Rep. Reagan, Robson, Sen. Leff.

Last action: 2/15, referred to Senate Commerce and Economic Development.

ARS Titles affected: 23.

H2114: IDENTITY THEFT

Prohibits a person or entity from requiring personal information from an individual over the Internet unless the personal information is encrypted. Allows a victim of identity theft the right to bring a civil suit. Mandates that if personal information is stolen from an individual or entity, that individual or entity shall notify the compromised individual of the identity theft and advise of actions that may be taken to protect against unauthorized use of the personal information. Similar measure proposed as [H2469](#).

Primary sponsor: Rep. McClure.

Last action: 1/23, held in House Financial Institutions and Insurance.

ARS Titles affected: 13.

H2119: MINORS; ABUSE; DUTY TO REPORT

School personnel are not required to report a non-accidental physical injury to a minor that is caused by another minor on school property if all of the following apply: the injury is not a serious physical injury; the minors are pupils who are enrolled in the same school; a school representative promptly advises the parent or guardian of the injured minor of the injury and the name of the pupil who allegedly caused the injury. A report is not required if the conduct involves a minor who is 15, 16 or 17 years of age and an adult who is under 19 years of age or attending high school and who is not more

than 24 months older than the minor and there is nothing to indicate that the conduct is other than consensual. (Similar measure included in [S1304](#), which did not pass).

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Gallardo, Garcia, Meza, Miranda, Prezelski, Tom.

Last action: 1/11, referred to House Judiciary; Human Services.

ARS Titles affected: 13.

[H2120:](#) ANIMAL CRUELTY; LAW ENFORCEMENT ANIMALS

Distinguishes law enforcement animals from working or service animals in statutory provisions regarding animal cruelty.

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Gallardo, Garcia, Meza, Prezelski, Tom.

Last action: 2/21, withdrawn from House Public Institutions and Retirement; referred to Government Reform.

ARS Titles affected: 13.

[H2121:](#) BREAST-FEEDING; JURIES; WORKPLACE PRIVACY

Excluded breastfeeding an infant from the indecent exposure statute. Excused nursing mothers from jury service for up to one year. Required employers to provide break time and privacy to nursing mothers for the purpose of expressing milk. Some provisions passed as [H2376](#).

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Gallardo, Garcia, Meza, Prezelski, Tom.

Last action: 1/11, referred to House Judiciary.

ARS Titles affected: 13, 21.

[H2135:](#) EXPERT OPINION TESTIMONY; CERTIFICATION

In a claim against a licensed professional asserted in a civil action, if the claimant designates a nonparty at fault and certifies that expert testimony is necessary, the nonparty at fault claimant shall disclose a preliminary expert opinion affidavit with its initial disclosures or thereafter as required in Arizona rules of civil procedure.

Primary sponsor: Rep. Nelson.

Last action: 1/23, referred to House Judiciary; Counties, Municipalities and Military Affairs.

ARS Titles affected: 12.

H2137: PRIOR CONVICTIONS AND ADMISSIONS; SENTENCING

States that the court, instead of the trier of fact, shall determine whether a person has been previously convicted of a felony within the 10 years preceding the date of the offense. Similar measure was signed into law, [S1050](#).

Primary sponsor: Rep. Nelson. Co-sponsors: Rep. Mason, Sen. Blendu.
Last action: 2/15, referred to House Judiciary.
ARS Titles affected: 13.

H2141: COUNTY JAIL EDUCATION; FUNDING

Sought increases for the base amount and funding formula for funding county jail education programs. Similar measure proposed, [H2324](#).

Primary sponsor: Rep. Anderson. Co-sponsors: Rep. Konopnicki, Quelland, Sen. Flake, Huppenthal.
Last action: 2/1, from House Education, amended.
ARS Titles affected: 15.

H2178: CHILD PASSENGER RESTRAINT SYSTEMS

Required that children in moving vehicles must be placed in a child passenger restraint system up to age eight; currently the age limit is five years old. Increased the penalties for violations. Other provisions. Similar measure proposed in [H2576](#).

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Chase, Landrum Taylor.
Last action: 1/17, referred to House Transportation.
ARS Titles affected: 28.

H2180: AUTOMATED PHOTO ENFORCEMENT

Requires the Department of Public Safety (DPS) director to jointly conduct a study with the Arizona Department of Transportation (ADOT) director prior to installation of a photo enforcement system on controlled access or interstate highways. Other provisions.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Allen, Gorman, Groe, Murphy, Quelland, Yarbrough.
Last action: 2/21, from House Rules okay.
ARS Titles affected: 28.

H2188: CONTINUING APPROPRIATIONS; LIMITATION

Prohibits the legislature from enacting any continuing appropriations that allow a budget unit to spend monies beyond the fiscal year or years for which the monies are appropriated without further legislative authorization.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Gorman, Groe, McLain, Quelland.

Last action: 3/1, failed to pass the House.

ARS Titles affected: 35.

H2192: BUDGET STABILIZATION FUND; USES

Requires monies in the Budget Stabilization Fund only be used for essential state services as determined by legislative appropriation.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Gorman, Groe, McLain, Quelland.

Last action: 3/13, failed to pass the House.

ARS Titles affected: 35.

H2193: BUDGET STABILIZATION FUND; REPEAL

Sought to repeal ARS Sections 35-144 and 35-314.02 dealing with the budget stabilization fund and 41-622.02, dealing with the consumer loss recovery fund.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Groe, Quelland.

Last action: 2/1, referred to House Appropriations (Pearce and Boone).

ARS Titles affected: 35, 41, 43.

H2218: CONSTABLES; SALARIES

Sought an increase in salaries for constables in precincts with more than 16,000 registered voters. Emergency clause.

Primary sponsor: Rep. Nelson. Co-sponsors: Rep. Gray, McComish, Pearce, Sen. Waring.

Last action: 1/24, from House Counties, Municipalities and Military Affairs, do pass.

ARS Titles affected: 11.

H2223: IDENTITY THEFT; CREDIT RATING; NOTICE

Requires a prosecutor who files a complaint charging identity theft, aggravated identity theft or trafficking in the identity of another person to notify the appropriate consumer reporting agencies. Other provisions.

Primary sponsor: Rep. Nelson. Co-sponsor: Rep. Downing.

Last action: 1/19, held in House Judiciary.

ARS Titles affected: 13.

H2228: DANGEROUS DRUGS; NARCOTIC DRUGS; DEFINITIONS

Proposed changes in the dangerous drugs and narcotics statutes, most of which pertain to the manufacture of methamphetamine. Other bills that sought restrictions on precursor chemicals related to methamphetamine included [H2493](#), [H2815](#), [S1383](#), [S1536](#).

Primary sponsor: Rep. Konopnicki.

Last action: 1/26, referred to House Judiciary.

ARS Titles affected: 13, 15.

H2233: CAPITOL POLICE; OVERTIME CALCULATION

Permits the director of the Arizona Department of Administration (ADOA), for the purpose of calculating overtime, to consider paid leave, excluding paid sick leave, as hours worked for certified peace officers.

Primary sponsor: Rep. Konopnicki.

Last action: 2/22, from House Government Reform and Government Finance Accountability, do pass.

ARS Titles affected: 41.

H2234: OVERTIME COMPENSATION; LAW ENFORCEMENT

Allowed the county sheriff or the governing body of a city or town the ability to establish alternate work periods, in accordance with federal law, for the purpose of determining overtime compensation for a person engaged in law enforcement activities.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Sen. Flake, Huppenthal.

Last action: 2/1, referred to House Counties, Municipalities and Military Affairs.

ARS Titles affected: 23.

H2244: SOCIAL SECURITY NUMBERS; GOVERNMENT REQUEST

Prohibited the state or any political subdivision from requesting a person's social security number on any form or application unless otherwise required by federal law.

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Downing.

Last action: 1/19, referred to House Judiciary; Commerce.

ARS Titles affected: 44.

H2245: PHOTO RADAR ENFORCEMENT; TRAFFIC COMPLAINTS

Placed several restrictions on photo radar enforcement, including requiring law enforcement to show at a hearing that the defendant was the driver of

the vehicle at the time of the violation and that the photo enforcement device was properly calibrated and in good working order at the time of the violation. Other provisions.

Primary sponsor: Rep. Gray.

Last action: 1/19, referred to House Transportation.

ARS Titles affected: 28.

H2247: CHANGE OF JUDGE; DEFENSE COUNSEL

Stated that a victim has the right to notice and to be heard before a change of judge or defense counsel occurs, and the impact on the victim's right to a speedy trial shall be considered.

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Pearce.

Last action: 1/11, referred to House Judiciary.

ARS Titles affected: 8, 13.

H2249: CASE DELAY; ASSIGNMENT OF PROSECUTORS

Once the county attorneys and the Attorney General have assigned prosecutors and assistant attorneys general, respectively, to criminal cases, the initially assigned prosecutor/assistant attorney general shall remain assigned to the case until final disposition, to the extent practicable.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Nelson, Pearce.

Last action: 1/11, referred to House Judiciary.

ARS Titles affected: 11, 41.

H2251: PHOTO ENFORCEMENT; HIGHWAYS; HIGHWAY FUND

States that fines collected by a local authority using a photo enforcement system to identify violators of certain traffic laws on a state highway or interstate system highway are to be transmitted to the state treasurer for deposit in the state highway fund.

Primary sponsor: Rep. Gorman. Co-sponsors: Rep. Allen, Biggs, Burges, Groe, Knaperek, Murphy, Pearce, Pierce, Quelland, Robson, Rosati, Stump, Sen. Martin.

Last action: 3/6, failed to pass House on reconsideration.

ARS Titles affected: 28.

H2274: APPROPRIATION; LAW OFFICERS TRAINING CENTER

Appropriates \$2 million from the General Fund in FY 2006-07 to Arizona Peace Officer Standards and Training Board (AZPOST) to complete construction of the regional law officers training center in Pinal County on the campus of Central Arizona College.

Primary sponsor: Rep. Chase. Co-sponsors: Rep. Landrum Taylor, McClure.
Last action: 3/6, from House Rules okay.
ARS Titles affected: 41.

**H2276: COMPROMISED PERSONAL IDENTIFYING INFORMATION;
DISCLOSURE**

Required any person conducting business in Arizona and that owns or licenses computerized data that includes personal information to disclose any breach of the security to persons whose personal information was compromised. With some exceptions, the disclosure shall be made within 24 hours of the discovery of the breach. Similar measure passed as [S1338](#).

Primary sponsor: Rep. Reagan. Co-sponsor: Rep. Gray.
Last action: 2/22, held in House Commerce.
ARS Titles affected: 44.

H2278: DNA TESTS; UNIDENTIFIED HUMAN REMAINS

Requires the Department of Public Safety (DPS) to establish a DNA missing persons identification database and requires the database to consist of profiles that are developed from the unidentified human remains, items associated with the missing persons or samples from relatives of the missing persons. Requires county medical examiners to take biological samples for DNA analysis on any human remains that remain unidentified for more than 30 days and forward the samples to DPS. Makes appropriations. Other provisions. Similar provisions included in [S1556](#).

Primary sponsor: Rep. Burges. Co-sponsors: Rep. Allen, Barnes, Biggs, Boone, Chase, Gorman, Gray, Groe, Hershberger, Jones, Landrum Taylor, Mason, McComish, McLain, Murphy, Nichols, Pearce, Quelland, Reagan, Rosati, Smith, Stump, Jerry Weiers, Yarbrough, Sen. Allen, Blendu, Gould, L. Gray, Johnson, Soltero, Verschoor.
Last action: 3/22, from Senate Appropriations, do pass.
ARS Titles affected: 11.

H2289: SEX OFFENDER REGISTRATION; CHILD BIGAMISTS

Requires persons convicted of child bigamy to register as a sex offender. Similar measure proposed as [S1054](#) (did not pass).

Primary sponsor: Rep. Landrum Taylor. Co-sponsors: Rep. Aguirre, Alvarez, Bradley, Chase, Downing, Kirkpatrick, Lopez, McCune-Davis, Miranda, Sinema, Sen. Arzberger, Rios.
Last action: 1/11, referred to House Judiciary.
ARS Titles affected: 13.

H2296: DRUG EXPOSED INFANTS

It is a class 3 felony for a woman to give birth to an infant who either tests positive within 72 hours of birth for a dangerous or narcotic drug or a metabolite of a dangerous or narcotic drug, unless the drug or the metabolite is the result of medical treatment administered to the mother of the infant or to the infant. Other provisions.

Primary sponsor: Rep. Yarbrough. Co-sponsors: Rep. Allen, Barnes, Biggs, Boone, Burges, Gray, Groe, Mason, McLain, Nichols, Paton, Pearce, Quelland, Stump, Jerry Weiers.

Last action: 1/17, referred to House Judiciary.

ARS Titles affected: 8, 13.

H2298: BORDER AREA RESERVES

The director of the Department of Public Safety (DPS) shall provide for a volunteer organization to be known as the Department of Public Safety border area reserves. Sets forth membership requirements and duties.

Primary sponsor: Rep. Barnes. Co-sponsors: Rep. Allen, Anderson, Biggs, Boone, Burges, Chase, Groe, Knaperek, Mason, McComish, McLain, Murphy, Nichols, Paton, Pierce, Quelland, Reagan, Robson, Rosati, Smith, Stump, Jim Weiers, Jerry Weiers, Yarbrough.

Last action: 1/19, referred to House Federal Mandates and Property Rights.

ARS Titles affected: 41.

H2299: CRIME VICTIMS; POLICE REPORTS

Law enforcement agencies must provide one free crime report to a crime victim or an immediate family member of a victim who is killed or incapacitated. Similar measure passed into law: [S1386](#).

Primary sponsor: Rep. Garcia. Co-sponsors: Rep. Alvarez, Anderson, Brown, Cajero Bedford, Gallardo, Lopez, Lujan, McCune-Davis, Rios, Tom, Jerry Weiers.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 39.

H2300: CELLULAR TELEPHONES; MINORS; DRIVING USE

Prohibits a person who is under 18 years of age from using a cell phone while driving on a highway unless the cell phone is equipped with a hands-free device.

Primary sponsor: Rep. Garcia. Co-sponsors: Rep. Alvarez, Brown, Cajero Bedford, Gallardo, Lopez, Lujan, Prezelski, Tom.

Last action: 1/17, referred to House Commerce; Judiciary; Transportation.

ARS Titles affected: 28.

H2309: CRIMINAL TRIALS; CHANGE OF JUDGE

Unless otherwise specified in law, a party is not entitled to request a change of judge without cause in any criminal case. The judge who is assigned a criminal case shall retain that case until final disposition unless the judge is disqualified for cause.

Primary sponsor: Rep. Gray.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 13.

H2312: ELECTRONIC MONITORING; RELEASE

If electronic monitoring is made a condition of probation, the court shall order the defendant to be placed on electronic monitoring before being released to serve the term of probation. Similar provisions regarding community release, parole and release on bail. Similar provisions included in [H2380](#), which did not pass. GPS monitoring for sex offenders passed as [S1371](#).

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. Downing, Jones, Kirkpatrick, Landrum Taylor, Lujan, Miranda, O'Halleran, Prezelski, Sen. Rios.

Last action: 1/17, referred to House Judiciary.

ARS Titles affected: 13, 31, 41.

H2324: COUNTY JAIL EDUCATION PROGRAM; FUNDING

Sought increases for the base amount and funding formula for funding county jail education programs. Similar measure proposed as [H2141](#).

Primary sponsor: Rep. Bradley. Co-sponsors: Rep. Aguirre, Alvarez, Anderson, Hershberger, Landrum Taylor, Miranda, Rios.

Last action: 1/17, referred to House Education; Appropriations (Boone).

ARS Titles affected: 15.

H2331: DISCLOSURE; COMPROMISED PERSONAL IDENTIFYING INFORMATION

Sets forth provisions under which businesses must disclose security breach in which residents' personal identifying information was compromised. Less restrictive provisions passed as [S1338](#).

Primary sponsor: Rep. McClure. Co-sponsors: Rep. Anderson, Boone, Burns, Konopnicki, Lopez, O'Halleran.

Last action: 1/30, referred to House Financial Institutions and Insurance; Commerce.

ARS Titles affected: 44.

H2334: SEX OFFENSES; REGISTRATION; NOTIFICATION

Adds molestation of a child who is twelve years of age or younger to list of dangerous crimes against children and increases the penalties for conviction. Makes changes to notification laws.

Primary sponsor: Rep. McClure. Co-sponsor: Rep. Lopez.

Last action: 1/17, referred to House Judiciary.

ARS Titles affected: 13.

H2336: PSPRS; COMPENSATION; OFF-DUTY PAY

Adds off-duty pay to the definition of compensation within the Public Safety Personnel Retirement System (PSPRS) statute, if the pay is approved by the employer and transmitted through the employer's payroll system.

Primary sponsor: Rep. McClure.

Last action: 2/6, failed Public Institutions and Retirement.

ARS Titles affected: 38.

H2337: PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS

Ensures that all records relating to the cost, operations, staff and inmates of a private contracted prison are made public, on request, to the same extent that is required of a public prison or jail.

Primary sponsor: Rep. McClure.

Last action: 1/30, Public Institutions and Retirement, do pass.

ARS Titles affected: 41.

H2351: IDENTITY THEFT OMNIBUS

Proscribes mandatory sentencing for identity theft. Expands the ability of the county attorney to issue subpoenas for certain business records. Outlines steps businesses must take to destroy records with personal identifying information. Other provisions. Records disposal provision passed as [H2484](#). Security breach notification provisions included in [S1338](#).

Primary sponsor: Rep. Farnsworth.

Last action: 3/28, referred to Senate Government Accountability and Reform.

ARS Titles affected: 13, 44.

H2354: PRODUCTION OR RELEASE OF MATERIALS

In cases regarding sexual exploitation of a minor, rules of criminal procedure shall not compel the state to release or reproduce sexually explicit materials. Exception is provided if it impedes the defendant's right to a fair trial.

Primary sponsor: Rep. Farnsworth.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 13.

H2355: CAPITAL CASES; AGGRAVATING FACTORS

Included gang initiation killings in the list of aggravating factors in capital cases.

Primary sponsor: Rep. Farnsworth.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 13.

H2356: AGGRAVATED DUI

Would make persons with a court-ordered interlock device on their cars eligible for aggravated DUI charges if they are caught driving under the influence or they refuse a sobriety test. Other provisions.

Primary sponsor: Rep. Farnsworth.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 28.

H2365: AUTOMATIC RESTORATION OF RIGHTS

Makes several revisions with regard to restoring the rights of convicted felons. Would allow felons convicted of serious (but not dangerous) offenses under ARS 13-604 to file for right to possess or carry a gun or firearm after ten years after the absolute discharge from prison. Other provisions.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Aguirre, Gallardo, Kirkpatrick, Lopes, Lopez, Lujan, Meza, Prezelski, Tom.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 13.

H2366: ERRONEOUS CONVICTIONS; CIVIL ACTION

Outlines conditions under which a person who has been erroneously convicted may apply for compensation from this state. Similar measure was introduced as [H2629](#).

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Aguirre, Downing, Gallardo, Kirkpatrick, Lopes, Lopez, Lujan, Meza, Miranda, Prezelski, Tom.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 31.

H2375: SELF-DEFENSE; HOME PROTECTION

Justifies using physical and deadly physical force against a person who has unlawfully entered a residence or occupied vehicle and the person using force reasonably believed he/she was in imminent danger of serious injury or death. Amended to state that justification defenses are not affirmative defenses. Similar measure signed into law as [S1145](#).

Primary sponsor: Rep. Paton. Co-Sponsors: Rep. Gorman, Groe, Yarbrough, Sen. Arzberger, Bee, Jarrett, Verschoor.
Last action: 3/21, retained on House COW calendar.
ARS Titles affected: 13.

H2380: SEX OFFENDERS; HARBORING; MONITORING

Made harboring or concealing a sex offender a felony. Also stated that if electronic monitoring is made a condition of probation, the court shall order the defendant to be placed on electronic monitoring before being released to serve the term of probation. Other provisions. (Similar electronic monitoring provisions were included in [H2312](#), which did not pass). A GPS monitoring bill was signed into law: [S1371](#).

Primary sponsor: Rep. Paton. Co-sponsors: Sen. Bee, Jarrett.
Last action: referred to House Judiciary; Appropriations (Pearce).
ARS Titles affected: 13, 31, 41.

H2388: THEFT; CONSTRUCTION EQUIPMENT (~~MOTOR VEHICLE DEALERS; BACKGROUND CHECKS~~)

Requires persons who are convicted of theft involving construction equipment (valued at \$25,000 or more) and sentenced to probation to serve at least 180 days in the county jail as an initial condition of probation (as amended).

Primary sponsor: Rep. Pierce
Last action: 4/4, failed in the Senate.
ARS Titles affected: 13.

H2392: HOME PROTECTION; SELF-DEFENSE

Stated that a person was justified using physical and deadly physical force against a person who has unlawfully entered a residence or occupied vehicle and the person using force reasonably believed he/she was in imminent danger of serious injury or death. Other provisions. Similar measure signed into law as [S1145](#).

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Biggs, Boone, Gorman, Murphy, Nelson, Sen. Burns, Harper, Johnson.
Last action: 3/30, failed Senate Judiciary.
ARS Titles affected: 13.

H2393: DPS; ARIZONA RANGERS

Establishes the Arizona Rangers statutorily and requires the director of the Department of Public Safety (DPS) to include the Rangers as part of DPS if the Rangers are organized as a nonprofit organization in Arizona. Stated that

director may use the Rangers to assist DPS in enforcing U.S. immigration laws. Similar measure proposed under [H2582](#), [S1496](#).

Primary sponsor: Rep. Pearce. Co-sponsor: Sen. Harper.
Last action: 1/19, referred to House Federal Mandates and Property Rights; Appropriations (Pearce).
ARS Titles affected: 41.

[H2411:](#) PHOTO ENFORCEMENT; TRAFFIC OFFENSES

States that the Department of Transportation, Motor Vehicle Division (MVD) shall not assess any points to a person's driving record for a civil speeding violation if the violation was detected by photo enforcement. A person who receives such a citation is not subject to the Traffic Survival School requirements. Other provisions.

Primary sponsor: Rep. Smith. Co-sponsors: Rep. Biggs, Burges, Gorman, Jerry Weiers.
Last action: 2/16, failed House Transportation.
ARS Titles affected: 28.

[H2434:](#) SUBSTANCE ABUSE COSTS; STUDY COMMITTEE

Establishes the Study Committee on the Cost of Alcohol and Substance Abuse and outlines committee membership and duties.

Primary sponsor: Rep. O'Halleran. Co-sponsors: Rep. Kirkpatrick, Mason, McClure.
Last action: 3/28, from Senate Health, do pass.
ARS Titles affected: 36.

[H2437:](#) ATTORNEY FEES; PUBLIC INTEREST ACTIONS

Allowed the court to award attorney fees to a party that prevails against one or more opposing parties, including this state or any political subdivision of this state, in a civil action that results in the enforcement of an important right affecting the public interest, if certain criteria are met.

Primary sponsor: Rep. Farnsworth.
Last action: 1/19, referred to House Judiciary.
ARS Titles affected: 12.

[H2438:](#) ECONOMIC LOSS; DEFINITION

Included the future earnings of a victim in the definition of economic loss.

Primary sponsor: Rep. Farnsworth.
Last action: 1/19, referred to House Judiciary.
ARS Titles affected: 13.

H2444: LOBBYISTS; GIFT BAN

Made extensive changes to the regulations regarding lobbyists, including adding a section banning gifts to state employees and state officer, with some exemptions.

Primary sponsor: Rep. Lujan. Co-sponsors: Rep. Bradley, Downing, Gallardo, Garcia, Lopes, Lopez, McCune-Davis, Meza, Prezelski, Sinema.
Last action: 1/19, House Judiciary; Government Reform.
ARS Titles affected: 41.

H2447: VICIOUS ANIMALS; ATTACKS

Expanded the definition of vicious animal attack to include attacks on domestic animals. Also increased the felony for subsequent attacks. Required the offending vicious animal to be neutered and fitted with a microchip.

Primary sponsor: Rep. Lujan. Co-sponsors: Rep. Aguirre, Bradley, Gallardo, Garcia, Landrum Taylor, Lopez, Mason, McComish, McCune-Davis, Meza, Prezelski, Sinema.
Last action: 1/19, referred to House Judiciary.
ARS Titles affected: 13.

H2460: APPROPRIATION; METHAMPHETAMINE TREATMENT; PREVENTION

Sought an unspecified appropriation for the Arizona Department of Health Services for use in methamphetamine treatment and prevention. A methamphetamine appropriation for interdiction, treatment and prevention was signed into law: [H2554](#).

Primary sponsor: Rep. O'Halleran. Co-sponsors: Rep. Hershberger, Jones, Kirkpatrick, Konopnicki, Mason, McLain.
Last action: 1/19, referred to House Appropriations (Boone).
ARS Titles affected: 36, 41.

H2461: MOTOR VEHICLE SALES

Allowed the state to deny a motor vehicle dealer's license to any individual who knowingly engaged in transporting illegal aliens, transporting drugs, money laundering, and other specified criminal activity. Other provisions.

Primary sponsor: Rep. O'Halleran. Co-sponsors: Rep. Burges, Chase, Groe, Hershberger, Jones, Kirkpatrick, Konopnicki, Mason, McLain.
Last action: 1/19, referred to House Judiciary; Transportation.
ARS Titles affected: 28, 44.

H2464: APPROPRIATION; DPS DRUG ENFORCEMENT UNIT

Sought an unspecified appropriation to establish a border drug enforcement unit within the Department of Public Safety (DPS).

Primary sponsor: Rep. O'Halleran. Co-sponsors: Rep. Chase, Hershberger, Jones, Konopnicki, Mason, McLain.

Last action: 1/19, referred to House Federal Mandates and Property Rights; Appropriations (Pearce).

ARS Titles affected: 36, 41.

H2466: ANIMAL CRUELTY; USE OF WEAPONS

States that persons violating animal cruelty statutes and who uses or threatens to use a deadly weapon while committing the violation is guilty of a class 4 felony.

Primary sponsor: Rep. Smith.

Last action: 1/19, referred to House Judiciary.

ARS Titles affected: 13.

H2469: IDENTITY THEFT

A person or entity shall not require the transmission of any personal identifying information over the internet unless the personal identifying information is encrypted. If personal identifying information is stolen from a person or entity, the person or entity shall notify its customers that their personal identifying information has been stolen and shall provide information on what the customers may do to protect against the unauthorized use of their personal identifying information. Similar measure proposed as [H2114](#) (did not pass).

Primary sponsor: Rep. Smith. Co-sponsors: Rep. Farnsworth, Rosati.

Last action: 2/9, referred to House Judiciary.

ARS Titles affected: 13.

H2493: METHAMPHETAMINE; PSEUDOEPHEDRINE SALES

Sought to place restrictions on sales of products containing ephedrine or pseudoephedrine. Required consumers to show photo identification and sign a log book when purchasing precursor or regulated chemicals (such as pseudoephedrine). Other provisions. Other bills that sought restrictions on precursor chemicals related to methamphetamine included [H2228](#), [H2815](#), [S1383](#), [S1536](#).

Primary sponsor: Rep. Nelson.

Last action: 2/9, referred to House Judiciary.

ARS Titles affected: 13, 15, 32, 36, 41.

**H2495: CRITICAL INFRASTRUCTURE INFORMATION;
CONFIDENTIALITY**

Exempted information relating to critical infrastructure and information relating to the security and vulnerability of critical infrastructure resources that are created by a public entity from public records requests. Other provisions.

Primary sponsor: Rep. Nelson. Co-sponsor: Rep. Yarbrough.

Last action: 3/21, from Senate Rules okay.

ARS Titles affected: 39.

H2510: COURT APPOINTED SPECIAL ADVOCATE FUND

Allows the Court Appointed Special Advocate (CASA) fund to accept grants, gifts, devises and donations from any public or private source.

Primary sponsor: Rep. Rosati. Co-sponsors: Rep. Burges, Gray, Knaperek, Lujan, McCune-Davis, Murphy, Reagan, Sinema.

Last action: 1/26, held in House Human Services.

ARS Titles affected: 8.

H2513: CLASS G DRIVER LICENSEES

Slightly lowers age for driver's license learning permits. Makes changes to penalties for persons who receive a civil citation while driving on a learner's permit.

Primary sponsor: Rep. Rosati. Co-sponsors: Rep. Burges, Downing, Lopez, O'Halleran, Smith.

Last action: 1/17, referred to House Transportation.

ARS Titles affected: 28.

H2517: ARBITRATION; UNIFORM ACT

Would codify provisions of the Revised Uniform Arbitration Act adopted in 2000 by the Uniform Law Commissioners prescribing a uniform process for resolving disputes through arbitration. Similar bill was run as [S1124](#) (did not pass).

Primary sponsor: Rep. Farnsworth.

Last action: 1/17, referred to House Judiciary.

ARS Titles affected: 10, 12, 41.

H2526: LOADED FIREARMS; STORAGE

Requires persons who possess a loaded firearm to keep it secured in a lockbox if there is reason to believe a minor is likely to gain access to the firearm without the permission of the minor's parent or guardian.

Primary sponsor: Rep. Gallardo. Co-sponsors: Rep. Cajero Bedford, Downing, Garcia, Lopez, Lujan, Meza, Prezelski, Sinema.
Last action: 1/23, referred to House Judiciary.
ARS Titles affected: 13.

H2527: PROHIBITED POSSESSORS; GUN STORAGE

Requires persons who possess a loaded firearm to keep it secured in a lockbox if there is reason to believe a minor is likely to gain access to the firearm without the permission of the minor's parent or guardian. A person convicted of violating this provision would be included on the list of prohibited possessors.

Primary sponsor: Rep. Gallardo. Co-sponsors: Rep. Garcia, Lopes, Lopez, Lujan, Meza, Prezelski, Sinema.
Last action: 1/17, referred to House Judiciary.
ARS Titles affected: 13.

H2543: GRADUATED DRIVER LICENSES

Proposed changes in statutes for learner's permits for classes D, G and M licenses.

Primary sponsor: Rep. Garcia. Co-sponsors: Rep. Alvarez, Brown, Cajero Bedford, Gallardo, Kirkpatrick, Lopez, Lujan, Sinema, Tom.
Last action: 1/17, referred to House Transportation.
ARS Titles affected: 28.

H2545: AUTOPSIES; REQUIRED IDENTIFYING INFORMATION

Required county medical examiners, whenever possible, to collect specified biological samples and data while performing autopsies. Included death resulting in whole or in part from exposure under list of required circumstances to report to a peace officer.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Aguirre, Alvarez, Burton Cahill, Gallardo, Kirkpatrick, Lopes, Lopez, Lujan, Meza, Prezelski, Rios, Tom.
Last action: 1/23, referred to House Judiciary.
ARS Titles affected: 11.

H2547: HOMICIDE INTERROGATIONS; ELECTRONIC RECORDING

Required that a written or oral confession made by a suspect must be electronically recorded in order to be admissible as evidence in court. Provided some exceptions.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Aguirre, Alvarez, Burton Cahill, Downing, Gallardo, Lopes, Lopez, Lujan, Meza, Prezelski, Tom.
Last action: 1/17, referred to House Judiciary.
ARS Titles affected: 13.

H2548: DEATH PENALTY; REPEAL; NATURAL LIFE

Sought to repeal Arizona's death penalty and replace it with a sentence of natural life.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Alvarez, Downing, Gallardo, Kirkpatrick, Lopes, Lopez, Meza, Miranda, Prezelski, Tom.
Last action: 1/17, referred to House Judiciary; Public Institutions and Retirement.
ARS Titles affected: 12, 13, 21, 31, 41.

H2549: CIVIL FORFEITURE MONIES; GENERAL FUND

Sought to take civil forfeiture funds from the anti-racketeering fund of the state or of the county in which the political subdivision seizing the property or prosecuting the action is located and re-direct the monies to the state general fund.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Aguirre, Alvarez, Gallardo, Lopes, Lopez, Lujan, Meza, Miranda, Prezelski, Rios, Tom.
Last action: 1/17, referred to House Judiciary; Appropriations (Pearce).
ARS Titles affected: 13.

H2550: DEATH PENALTY; JURIES

Would require a jury, by unanimous verdict, to impose the death penalty, rather than the court. If a jury could not reach a unanimous verdict, then a sentence of natural life would be imposed. Other provisions.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Alvarez, Downing, Gallardo, Lopes, Lopez, Lujan, Meza, Miranda, Prezelski, Tom.
Last action: 1/17, referred to House Judiciary; Public Institutions and Retirement.
ARS Titles affected: 13.

H2576: CHILD PASSENGER RESTRAINTS; BOOSTER SEATS

Requires children who are at least five years of age and under nine years of age to be restrained by a child booster seat while riding in a motor vehicle. Similar measure proposed under [H2178](#).

Primary sponsor: Rep. Chase.
Last action: 3/16, failed to pass the House on reconsideration.
ARS Titles affected: 28.

H2578: BORDER RADAR; LEASE; APPROPRIATION

Appropriates \$50 million from the state general fund in fiscal year 2006-2007 to the Department of Emergency and Military Affairs to purchase a ground based radar system integrated with cameras for the southern Arizona border for border protection. Mandates that the location and implementation of the ground based radar system be established by the Department of Emergency and Military Affairs in cooperation and consultation with the Department of Public Safety, the U.S. Department of Defense, the U.S. Department of Homeland Security, the U.S. Border Patrol, military facilities on the border, representatives of nearby Indian tribes, the Bureau of Land Management, local sheriffs and police chiefs near the border and private property owners on the border. Similar measure proposed as [S1273](#).

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Allen, Anderson, Barnes, Biggs, Boone, Farnsworth, Konopnicki, Murphy, Robson, Tully, Jim Weiers, Sen. Burns, Gould, Hale, Martin, Verschoor.

Last action: 2/9, amended from House COW.

ARS Titles affected: 26.

H2579: APPROPRIATION; NATIONAL GUARD

Appropriates an unspecified amount of money from the State General Fund in fiscal year 2006-07 to the Department of Emergency and Military Affairs for deployment of the National Guard to southern Arizona for border security functions. Stipulates the Arizona Department of Administration shall bill the federal government to recover the amount of the appropriation for deposit in the State General Fund. Bills that included provisions to mobilize the National Guard for border security included [H2577](#), [H2701](#), [S1296](#), [SCR1039](#).

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Allen, Anderson, Barnes, Biggs, Boone, Burges, Farnsworth, Gorman, Konopnicki, Murphy, Robson, Tully, Jim Weiers, Sen. Burns, Gould, Harper, Martin, Verschoor.

Last action: 3/9, from House COW, approved.

ARS Titles affected: 26.

**H2582: IMMIGRATION ENFORCEMENT; SECURITY COUNCIL
(~~IMMIGRATION ENFORCEMENT MISSION; COUNCIL~~)**

Authorizes, to the extent permitted by federal law, peace officers to investigate, apprehend, detain or remove aliens in the United States. Provided qualified immunity (state) for public employees for the enforcement of immigration laws, the detention or arrest of any person for immigration law violations or the questioning of any person about the person's immigration status. Established a Border Security and Immigration Enforcement Council and outlined membership and duties, including managing a newly established Border Security Fund. Appropriates \$30 million from the state general fund in FY 2006-2007 to the Border Security Fund for the awarding of grants to cities, towns and counties for immigration

purposes. Other provisions. Trespassing provisions included in [H2070](#), [H2073](#), [H2577](#) and a similar measure was vetoed as [S1157](#). Immunity provisions included in [H2073](#), [H2577](#), [S1157](#), [SCR1039](#).

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Allen, Anderson, Barnes, Biggs, Boone, Chase, Farnsworth, Gorman, Gray, Groe, Mason, Nichols, Paton, Pierce, Smith, Stump, Jim Weiers, Yarbrough, Sen. Burns, Gould, Harper, Johnson, Martin, Verschoor.

Last action: 4/19, from Senate Appropriations, amended.

ARS Titles affected: 41.

[H2586:](#) LICENSES; ILLEGAL ALIENS

Prohibited an agency or a political subdivision of this state from issuing a license to any applicant who is an illegal alien. License was defined as permit, certificate, approval, registration, charter or similar form of permission required by law.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Murphy, Yarbrough, Sen. Harper, Martin, Verschoor.

Last action: 1/23, referred to House Federal Mandates and Property Rights.

ARS Titles affected: 41.

[H2589:](#) ILLEGALLY ENTERING ARIZONA; TRESPASS

Creates the crime of trespassing if a person has entered Arizona while in the United States illegally. Trespassing provisions were included in several other bills ([H2070](#), [H2073](#), [H2582](#), [H2577](#)) and a similar measure was vetoed as [S1157](#).

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Anderson, Biggs, Boone, Gorman, Gray, Groe, Murphy, Nichols, Pierce, Smith, Stump, Yarbrough, Sen. Gould, Harper, Johnson, Martin, Verschoor.

Last action: 2/2, from House Judiciary amended.

ARS Titles affected: 13.

[H2612:](#) PHOTO ENFORCEMENT; PROCESSING FEE; DEPOSIT

Requires any state agency that contracts with an authorized agent to electronically process motor vehicle records for the purpose of identifying drivers detected by a photo enforcement system to charge \$200 for each record. Deposits the fees from the records sales into the State Highway Fund for the purpose of paying for a new computer system for MVD.

Primary sponsor: Rep. Biggs.

Last action: 2/16, held in House Transportation.

ARS Titles affected: 28.

H2616: FALLEN POLICE OFFICERS; SPECIAL PLATES

Requires the Arizona Department of Transportation (ADOT) to issue special license plates for families of fallen police officers and establishes a families of fallen police officers special plate fund.

Primary sponsor: Rep. Nelson. Co-sponsors: Rep. Jones, Konopnicki, McClure, Meza, Stump, Sen. Aguirre.

Last action: 3/29, from Senate Transportation, do pass.

ARS Titles affected: 28, 41.

H2627: VULNERABLE ADULTS; FINANCIAL EXPLOITATION

Removes security dealers or salesmen from exemptions from increased civil penalties for financial exploitation of incapacitated or vulnerable adults.

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Burns, Burton Cahill, Cajero Bedford, Chase, Landrum Taylor, Lopes, Lujan, Mason, Miranda, Prezelski, Sinema, Sen. Brotherton, Garcia, Rios.

Last action: 3/29, from Senate Family Services, amended.

ARS Titles affected: 46.

H2629: ERRONEOUS CONVICTIONS; COMPENSATION

Sought to add a chapter to Arizona Revised Statutes relating to compensation for erroneous convictions. Outlined conditions under which a person who has been erroneously convicted may apply for compensation from the jurisdiction in which the conviction occurred. Similar legislation was introduced as [H2366](#).

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Burton Cahill, Konopnicki, Landrum Taylor, Lopes, Miranda, Prezelski, Rios, Sen. Garcia, Miranda.

Last action: 1/30, referred to House Judiciary; Government Reform.

ARS Titles affected: 31.

H2630: LOBBYIST REGISTRATION FORM

Adds statutes regarding the bribery of a public servant or state officer to the lobbyist handbook.

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Lujan, Sen. Brotherton.

Last action: 1/30, referred to House Judiciary; Government Reform.

ARS Titles affected: 41.

H2631: AUTOMATIC RESTORATION OF VOTING RIGHTS

Provided that any person who has been convicted of one or more felonies shall automatically be restored the right to vote that was lost or suspended

by the conviction on completion of probation or absolute discharge from imprisonment.

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Aguirre, Alvarez, Burton Cahill, Garcia, Kirkpatrick, Landrum Taylor, Lopes, Lopez, Lujan, Miranda, Prezelski, Rios, Tom, Sen. Brotherton, Garcia, Hale, Miranda, Rios.
Last action: 1/30, referred to House Judiciary.
ARS Titles affected: 13.

H2632: MALT BEVERAGES; KEG SALES; REQUIREMENTS

Sought to add a news section to Arizona Revised Statutes governing keg sales. Required licensed retailers of malt beverages in kegs to document the date of the sale; keg size and identification number; deposit amount; the name, address and date of birth of the purchaser; and the form of identification presented by the purchaser. Other provisions.

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Garcia, Lopes, Pearce, Prezelski, Sinema.
Last action: 1/26, referred to House Commerce.
ARS Titles affected: 4.

H2636: JUVENILES; INTERROGATIONS; RECORDINGS

Any oral, written or sign language statement that is made by a juvenile during any interrogation of a juvenile who is in the custody of a law enforcement officer or law enforcement agency is presumed to be inadmissible as evidence against the juvenile in any adjudication proceeding unless an electronic recording is made of the custodial interrogation in its entirety and the recording is substantially accurate and not intentionally altered. Other provisions and exceptions.

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Lopes, Nelson, Prezelski, Sinema, Sen. Brotherton.
Last action: 1/26, referred to House Judiciary.
ARS Titles affected: 8.

H2642: TRANSPORTING MINOR PASSENGERS IN TRUCKS

Prohibits minors under 18 years of age from being transported in the bed of a pickup truck; some exceptions.

Primary sponsor: Rep. Rep. Jerry Weiers. Co-sponsors: Rep. Aguirre, Allen, Alvarez, Barnes, Boone, Brown, Burges, Burton Cahill, Cajero Bedford, Chase, Downing, Gallardo, Garcia, Hershberger, Huffman, Jones, Kirkpatrick, Knaperek, Landrum Taylor, Lopes, Lujan, Mason, McClure, McLain, Meza, Murphy, Nelson, O'Halleran, Paton, Prezelski, Quelland, Sinema, Smith, Stump, Tom, Tully, Yarbrough.

Last action: 2/1, referred to House Transportation; Health.
ARS Titles affected: 28.

H2656: SENTENCING; THIRD SERIOUS OFFENSE

Increases sentences for a defendant who has been convicted of two or more prior serious offenses. If the defendant is convicted of a serious offense and the defendant has been convicted of one prior serious offense, the defendant shall be sentenced to serve at least twice the minimum term otherwise authorized for a first offense. If the defendant is convicted of a serious offense and the defendant has been convicted of two or more prior serious offenses, the defendant shall be sentenced to serve 35 years. Defines serious offenses. Similar measure signed into law as [S1444](#).

Primary sponsor: Rep. Murphy.
Last action: 1/30, referred to House Judiciary.
ARS Titles affected: 13.

H2672: SENTENCING; MISDEMEANORS INVOLVING HATE

If a defendant is convicted a misdemeanor offense and the court finds the offense was committed out of malice for the victim's race, gender, heritage, or religion, the court may impose a harsher sentence. This fact would be noted in the court record.

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Aguirre, Alvarez, Bradley, Burton Cahill, Cajero Bedford, Downing, Gallardo, Garcia, Kirkpatrick, Landrum Taylor, Lopes, Lujan, McCune-Davis, Meza, Miranda, Prezelski, Rios, Sinema, Tom, Sen. Aboud, Brotherton, Cheuvront, Mitchell, Rios.
Last action: 1/25, referred to House Judiciary.
ARS Titles affected: 13.

H2684: APPROPRIATION; DPS; AUTO THEFT; GANGS

Appropriated to DPS \$1,420,000 to continue the auto theft task force and \$2,053,000 for the operations of the gang intelligence team (GITEM). GITEM received more than \$25 million in the general appropriations bill, [H2863](#).

Primary sponsor: Rep. Aguirre. Co-sponsors: Rep. Alvarez, Bradley, Burton Cahill, Downing, Gallardo, Garcia, Jones, Kirkpatrick, Landrum Taylor, Lopes, Lopez, Lujan, McCune-Davis, Miranda, Prezelski, Sinema, Sen. Cannell, Cheuvront, Garcia, Miranda.
Last action: 1/26, referred to House Appropriations (Pearce).
ARS Titles affected: 41.

H2687: DPS; MICROWAVE COMMUNICATIONS

Authorizes DPS to enter into lease purchase financing to replace the current microwave communications infrastructure. Stipulates that the total financed amount may not exceed the appropriated or federal monies available. Other stipulations.

Primary sponsor: Rep. Huffman. Co-sponsors: Rep. Hershberger, O'Halleran, Quelland, Reagan, Yarbrough.

Last action: 2/22, failed House Appropriations (Pearce).

ARS Titles affected: 41.

H2693: RENTAL AGREEMENTS; EMERGENCY; TENANT PROTECTION

Prohibits a landlord from retaliating against or penalizing a tenant for calling the police or emergency services.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Aguirre, Alvarez, Bradley, Brown, Burton Cahill, Cajero Bedford, Gallardo, Garcia, Kirkpatrick, Lopes, Lopez, Lujan, McCune-Davis, Prezelski, Rios, Tom, Sen. Brotherton.

Last action: 1/26, referred to House Judiciary.

ARS Titles affected: 33.

H2694: APPROPRIATIONS; CAPITOL SECURITY

Sought appropriation of \$4 million from the general fund in FY 2006-07 for the planning and construction of security barriers surrounding the capitol complex.

Primary sponsor: Rep. Allen. Co-sponsors: Rep. Alvarez, Boone, Bradley, Gray, Jones, McComish, McLain, Murphy, Quelland, Stump, Jerry Weiers.

Last action: 2/22, failed House Appropriations (Pearce).

ARS Titles affected: 34.

H2697: ALCOHOLIC BEVERAGES; DEREGULATION PREVENTION

Eliminates the authority for an Arizona licensed domestic farm winery to sell and deliver wine to other liquor licensees. Strikes the authority for an Arizona licensed domestic microbrewery to sell and deliver beer to liquor licensees, including wholesalers. Other microbrewery provisions included in [H2713](#).

Primary sponsor: Rep. Pierce. Co-sponsors: Rep. Anderson, Barnes, Brown, Gallardo, Gray, Jones, Konopnicki, McComish, McLain, Meza, Reagan, Stump, Jerry Weiers, Sen. Blendu, Flake, Martin, Rios.

Last action: 2/22, failed House Commerce.

ARS Titles affected: 4.

H2703: NOT CITIZENSHIP PROOF; DRIVER LICENSES

Sought to remove statutory provisions requiring the Motor Vehicle Department not issue to or renew a driver license or nonoperating identification license for a person who does not submit proof that the applicant's presence in the United States is authorized under federal law. Proposed language allowed an applicant for a driver's license, learner's permit or nonoperating identification to provide proof that they have lived within the United States for at least three years and proof of residence address within the state. Outlines acceptable proof of residency.

Primary sponsor: Rep. Miranda.

Last action: 1/30, referred to House Judiciary; Transportation.

ARS Titles affected: 28.

H2705: IDENTITY THEFT; FREEZING CONSUMER REPORT

Stipulates that a consumer may request in writing, by certified mail, that a consumer reporting agency place a security freeze on the consumer's consumer report, and that the security freeze remain in effect until the consumer requests the freeze be removed. A consumer reporting agency shall place a security freeze on a consumer's consumer report no later than five business days after receiving a written request from the consumer. Other provisions. Similar provisions proposed under [S1347](#).

Primary sponsor: Rep. Barnes. Co-sponsors: Rep. Anderson, Brown, Burges, Cajero Bedford, Chase, Gallardo, Garcia, Groe, Jones, Knaperek, Lopez, Lujan, McComish, McCune-Davis, Nichols, Paton, Pierce, Reagan, Sinema, Stump, Jerry Weiers.

Last action: 1/30, referred to House Commerce; Judiciary.

ARS Titles affected: 44.

H2709: POLICE TOOL USE; TRAINING; IMMUNITY

Prohibits a peace officer who is injured by a police tool during a course of training from suing the manufacturer of the police tool or the training provider for damages unless the manufacturer or training provider was grossly negligent or engaged in intentional misconduct.

Primary sponsor: Rep. Pierce.

Last action: 2/1, referred to House Judiciary.

ARS Titles affected: 12.

H2713: LIQUOR; MICROBREWERIES; PRODUCERS

Eliminates the authority for a licensed domestic microbrewery to sell and deliver beer to persons licensed to sell beer, including licensed wholesalers.

Permits a domestic microbrewery to distribute products that are produced at the person's own microbrewery only to the person's retail licensees. Other provisions. Other microbrewery provisions included in [H2697](#).

Primary sponsor: Rep. McComish. Co-sponsor: Rep. Reagan.
Last action: 2/8, held in House Commerce.
ARS Titles affected: 4.

**[H2740:](#) SPIRITUOUS LIQUOR; RESTAURANT LICENSE; GRILLS
(~~LIQUOR; RESTAURANT LICENSE FOR GRILLS~~)**

Authorizes the Arizona Department of Liquor Licenses and Control to issue a modified license so a restaurant failing to meet the 40 percent food sales standard may continue to operate its business. Senate COW amended to include a provision stating establishments that are issued a restaurant license may post a notice prohibiting the possession of a firearm on the entire licensed premises or on a portion of the licensed premises. A separate amendment provided that a licensee shall not be charged with knowledge of previous acts by which a person becomes intoxicated at other locations unless the person was obviously intoxicated. Other provisions.

Primary sponsor: Rep. Reagan. Co-sponsors: Rep. Groe, McComish, Nichols, Sen. Cheuvront.
Last action: 5/2, from Senate COW, amended.
ARS Titles affected: 4, 28.

[H2744:](#) JOINDER; PRIVATE SERVICE PROVIDER; DEPENDENCY

Allows a court to join any agency or private service provider that is responsible for providing services to the child or family if the court finds that a parent or child has statutory or contractual right to receive services.

Primary sponsor: Rep. Hershberger.
Last action: 2/16, from House Human Services, amended.
ARS Titles affected: 8.

[H2747:](#) VEHICLE RESTRAINT VIOLATIONS; ENFORCEMENT

Allows a peace officer to issue a citation for a vehicle restraint violation without the stop being conditional upon another alleged violation of a motor vehicle law.

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Aguirre, Alvarez, Bradley, Burton Cahill, Cajero Bedford, Downing, Gallardo, Garcia, Kirkpatrick, Landrum Taylor, Lopes, Lujan, McCune-Davis, Meza, Miranda, Prezelski, Sinema, Tom, Sen. Aboud, Aguirre, Cheuvront, Mitchell, Rios.
Last action: 2/2, referred to House Health; Transportation.
ARS Titles affected: 28.

H2750: CRIMINAL JUSTICE; BUDGET RECONCILIATION

Sought to repeal 41-191.09, the attorney general legal services cost allocation fund, established for the purpose of reimbursing the department of law for general agency counsel. Stated that the first \$50 million that would be deposited in the budget stabilization fund after the effective date of this act is appropriated to the DPS for border security and illegal immigration issues. Other provisions. Similar measure proposed as [S1515](#).

Primary sponsor: Rep. Lopes. Co-sponsors: Rep. Aguirre, Alvarez, Downing, Kirkpatrick.

Last action: 2/2, referred to House Appropriations (Pearce and Boone).

ARS Titles affected: 41.

H2761: PRIVATE PRISONS; MEXICO FACILITY

Requires the Department of Administration in cooperation with the Foreign Private Prison Commission to contract with a private entity for the construction and operation of a private prison facility to be located in Mexico for housing Mexican national prisoners if certain conditions are met. Other provisions. Contains a conditional enactment clause that stipulates the act does not become effective unless the United States amends the treaty between the United States and Mexico on the Execution of Penal Sentencing or adopts a new treaty with Mexico by June 30, 2011.

Primary sponsor: Rep. Jones. Co-sponsors: Rep. Allen, Barnes, Boone, Chase, Konopnicki, McComish, McLain, Pearce, Pierce, Robson, Stump, Jim Weiers, Jerry Weiers.

Last action: 2/22, from House Appropriations (Pearce), do pass.

ARS Titles affected: 41.

H2770: CRIME LAB ASSESSMENT FUND; DISTRIBUTION

Sought to change the distribution formula of the crime laboratory assessment fund and added the Chandler Police Department.

Primary sponsor: Rep. Yarbrough. Co-sponsors: Rep. Biggs, Nichols, Robson, Stump.

Last action: 2/6, referred from House Judiciary; Appropriations (Pearce).

ARS Titles affected: 41.

H2792: CORP; MEMBERSHIP

Sought to add program officers, parole or community supervision officers, youth program officers, and non-uniformed employees of the state Department of Corrections or Department of Juvenile Corrections whose primary duties require direct contact with inmates as eligible for the Correctional Officers Retirement Program.

Primary sponsor: Rep. Chase. Co-sponsors: Rep. Allen, Smith.
Last action: 2/7, referred to Public Institutions and Retirement;
Appropriations (Pearce).
ARS Titles affected: 38.

H2800: PHARMACY; PRESCRIPTION INFORMATION; SALE PROHIBITION

Required a pharmacist or pharmacy to keep confidential prescription information containing identifiable patient and prescriber data and may not release or sell this information for any commercial purpose. Stated that a pharmacist or pharmacy that releases or sells confidential prescription information commits an act of unprofessional conduct.

Primary sponsor: Rep. Burton Cahill. Co-sponsors: Rep. Aguirre, Downing, Groe, Hershberger, Kirkpatrick, Knaperek, Lopes, Lujan, McClure, Meza, Miranda, Murphy, Sen. Mitchell.
Last action: 2/6, referred to House Commerce.
ARS Titles affected: 32.

H2804: SEX OFFENDERS; ADDRESS VERIFICATION

Under current statute, registered sex offenders must annually update their driver's license of non-operating license information with MVD. This legislation sought to raise the penalty to a class 6 felony for failure to obtain an annual driver or non-operating license from a class 1 (highest) misdemeanor. Also mandates that when a person from another jurisdiction is registering as a sex offender in Arizona, the sheriff must obtain a biological sample for DNA testing. The sheriff must transmit the sample to DPS. Similar measure signed into law ([S1230](#)).

Primary sponsor: Rep. Prezelski. Co-sponsors: Rep. Gallardo, Kirkpatrick, Lopez, Lujan, Sen. Aboud, Brotherton, Soltero.
Last action: 2/9, referred to House Judiciary.
ARS Titles affected: 13.

H2807: HOME PROTECTION; SELF-DEFENSE

A person is justified in threatening or using physical force or deadly physical force against another if the person reasonably believes himself or another person to be in imminent peril of death or serious bodily injury under specific sets of circumstances. Similar measure signed into law ([S1145](#)).

Primary sponsor: Rep. Gorman. Co-sponsors: Rep. Biggs, Burges, Burns, Farnsworth, Groe, Jones, Mason, McLain, Murphy, Nelson, Nichols, Paton, Pearce, Pierce, Robson, Rosati.
Last action: 2/9, referred to House Judiciary.
ARS Titles affected: 13.

H2808: LEGISLATIVE BUDGET COMMITTEE; REVIEWS; NOTICE

Requires Joint Legislative Budget Committee (JLBC) and Joint Committee on Capital Review (JCCR) budget analysts to prepare all unfavorable review documentation for any agency program, activity, or expenditure on red paper.

Primary sponsor: Rep. Gorman. Co-sponsor: Rep. Rosati.

Last action: 5/25, Senate COW approved, amended.

ARS Titles affected: 41.

H2815: PSEUDOEPHEDRINE SALES; RESTRICTIONS; PENALTIES

Prohibits a licensed pharmacist to from selling or distributing more than nine grams of pseudoephedrine to a person within a 30 day period. Customers must present identification and sign a log book. A licensed pharmacist must maintain the log book for at least 90 days, and outlines penalties for failure to keep, or improper maintenance of, the log book. The log book would be available to law enforcement. Requires the pharmacy to dispose of the log in a manner that maintains its confidentiality. Other bills that sought restrictions on precursor chemicals related to methamphetamine included [H2228](#), [H2493](#), [S1383](#), [S1536](#).

Primary sponsor: Rep. O'Halleran. Co-sponsors: Rep. Aguirre, Alvarez, Anderson, Barnes, Boone, Bradley, Brown, Burns, Burton Cahill, Cajero Bedford, Chase, Downing, Gallardo, Garcia, Groe, Hershberger, Huffman, Jones, Kirkpatrick, Knaperek, Konopnicki, Landrum Taylor, Lopes, Lopez, Lujan, Mason, McClure, McCune-Davis, McLain, Meza, Miranda, Pierce, Prezelski, Quelland, Reagan, Rios, Robson, Sinema, Stump, Tom, Sen. Brotherton.

Last action: 3/14, referred to Senate Health, Commerce and Economic Development.

ARS Titles affected: 32.

H2823: UNLAWFUL EMPLOYMENT PRACTICES; PENALTIES

Mandates employers to comply with employment security laws, workers' compensation laws and income tax withholding laws. Requires employers to complete and retain I-9 employment eligibility verification forms in compliance with federal law. Prescribes enforcement and penalty provisions. Similar measures proposed under [HCR2044](#), [S1215](#), [S1216](#), [S1513](#), [S1558](#).

Primary sponsor: Rep. Jones. Co-sponsors: Rep. Boone, Burns, Chase, Huffman, Konopnicki, Mason, McComish, McLain, O'Halleran.

Last action: 2/20, from House Natural Resources, amended.

ARS Titles affected: 23.

H2825: THEFT OF MEANS OF TRANSPORTATION

Provides a list of circumstances that unless satisfactorily explained, may give rise to an inference that the person in possession of the vehicle was either aware of the risk that it had been stolen or the person had somehow participated in the theft of the vehicle. This list applies to all prosecutions for vehicle theft.

Primary sponsor: Rep. Farnsworth.

Last action: 4/6, Senate voted to reconsider (failed on 4/5).

ARS Titles affected: 13.

H2828: PRISONERS; MEDICAL TREATMENT GUARDIANS

Prohibits the administration of any psychotropic medication or psychosurgery, convulsive therapy or experimental treatment program without a prisoner's consent. Allows a psychiatrist or physician to petition the court to appoint a treatment guardian if the psychiatrist or physician recommends a course of treatment for the prisoner and believes that the prisoner is incapable of giving informed consent. Other provisions.

Primary sponsor: Rep. Lopes. Co-sponsors: Rep. Burton Cahill, Kirkpatrick, Meza, Sinema.

Last action: 4/3, from Senate Judiciary, amended.

ARS Titles affected: 31.

H2831: MATERIAL WITNESSES; DETENTION; DEPOSITIONS

Allows the court to order the arrest of a person if it appears from an affidavit that the testimony of the person is material in a criminal proceeding, and it is demonstrated that it may become impracticable to secure the presence of the person by subpoena. Prohibits the court from detaining a witness solely based on the witness' inability to comply with any condition of release if the testimony can be secured by deposition and further detention is not necessary. Other provisions. Similar provisions included in [S1510](#).

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Aguirre, Burns, McClure, Tully, Sen. Aboud, Bee, Blendu, Rios.

Last action: 3/21, retained on House calendar.

ARS Titles affected: 13.

H2848: DOMESTIC TERRORISM

Added a section to the ARS chapter dealing with organized crime and fraud a making it unlawful for an individual or group of individuals who are not affiliated with a local, state or federal law enforcement entity to associate with another individual or group of individuals as an organization, group, corporation or company for the purpose of patrolling to detect alleged illegal activity or to individually patrol for the purpose of detecting alleged illegal

activity if the individual or group of individuals is armed with a firearm or other weapon.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Bradley, Burton Cahill, Downing, Gallardo, Garcia, Kirkpatrick, Lopes, Lopez, Lujan, Meza, Miranda, Prezelski, Tom.

Last action: 2/9, referred to House Federal Mandates and Property Rights; Judiciary.

ARS Titles affected: 13.

H2851: VEHICLE IMMOBILIZATION; IMPOUNDMENT; RELEASE

Would allow an immobilizing or impounding agency to release a vehicle to an owner's agent.

Primary sponsor: Rep. Gallardo. Co-sponsors: Rep. Prezelski, Sinema.

Last action: 2/7, referred to House Transportation.

ARS Titles affected: 28.

H2860: ACCIDENTS; INJURED ANIMALS; LEAVING SCENE

Required the driver of a vehicle involved in an accident resulting in injury to an animal (domestic dog or cat) shall take reasonable steps, including looking for an identification collar or tag, to locate and notify the owner or custodian of the animal, or a peace officer, as soon as possible, and to take reasonable and appropriate action so that the animal has any necessary attention or care.

Primary sponsor: Rep. Downing. Co-sponsors: Rep. Aguirre, Lopes, Sinema.

Last action: 2/7, referred to House Transportation.

ARS Titles affected: 28.

HOUSE CONCURRENT RESOLUTIONS

A concurrent resolution is processed through both the senate and the house but is not signed by the governor. It may provide for the following:

- An expression of opinion, commemoration, congratulations or sentiment of both houses.
- Submittal of a referendum to the voters.
- Legislative action involving the process of amending the Arizona or United States Constitution.

HCR2003: LABOR ORGANIZATIONS; DUES; POLITICAL ACTIVITIES **(TAKINGS; PUBLIC USE; JURY DETERMINATION)**

Original language sought to amend the state constitution to allow property owners the right to a jury trial to determine if property seized under eminent domain is actually for public use. An adopted striker amendment prohibits a public employee labor organization (PELO) from using employee dues or fees for political activities unless the PELO has consent of the employee.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Burges, Pearce.

Last action: 6/21, retained on Senate COW calendar.

ARS Titles affected: 98.

HCR2004: WORKERS' COMPENSATION; DRUGS AND ALCOHOL; **CONTROLLED SUBSTANCES**

Subject to voter approval, allows the Legislature to enact laws that deny or limit compensation for an injury to a worker whose use of alcohol or unlawful use of drugs was a substantial contributing cause of the employee's injury.

Primary sponsor: Rep. McComish. Co-sponsors: Rep. Reagan, Robson, Sen. Leff.

Last action: 3/29, held in Senate Commerce and Economic Development.

ARS Titles affected: 98.

HCR2010: FIREARMS; EMERGENCY; PROHIBITION (JUSTICE **COURTS; JURISDICTION)**

Striker: referendum measure prohibiting the Governor, Adjutant General or any other official from placing restrictions on firearms or ammunition during a state of emergency. Original language: would remove from the Constitution the \$10,000 maximum jurisdiction of municipal courts and justice courts for civil cases. Other provisions.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Murphy.

Last action: 6/12, Senate COW approved, amended.

ARS Titles affected: 97.

HCR2011: SUPREME COURT; JURISDICTIONAL LIMITS

Subject to voter approval, provides that the Supreme Court has the power to make rules relative to procedural and evidentiary matters, but that those rules are subject to amendment or repeal by the Legislature. States that the Supreme Court shall not infringe on the authority of the Legislature or the people to enact substantive, procedural and evidentiary laws to protect the rights of victims or to carry out any other matter under the Constitution.

Primary sponsor: Rep. Gray. Co-sponsor: Rep. Pearce.

Last action: 1/26, from House Judiciary, do pass.

ARS Titles affected: 98.

HCR2012: ELECTION; PRESIDING SUPERIOR COURT JUDGES

Subject to voter approval, sought to amend the state constitution to allow superior court judges within the county to select among themselves one who would serve as presiding judge, as set forth by the legislature. Currently the state supreme court selects the presiding judges in the counties with two or more superior court judges.

Primary sponsor: Rep. Gray. Co-sponsors: Rep. Murphy, Pearce.

Last action: 1/11, referred to House Judiciary.

ARS Titles affected: 98.

HCR2015: JUDGES; MERIT SELECTION; POPULATION

Sought to amend the state constitution to increase the county population threshold from 250,000 to 600,000 for filling judicial vacancies through merit selection and retention.

Primary sponsor: Rep. Rios. Co-sponsors: Rep. Biggs, Pearce, Sen. Rios, Verschoor.

Last action: 3/28, from Senate Rules okay. Stricken from consent calendar.

ARS Titles affected: 98.

HCR2016: JUSTICES AND JUDGES; GOVERNOR APPOINTMENT

Via state constitutional amendment, sought to make extensive revisions to the process of nominating and filling judicial vacancies.

Primary sponsor: Rep. Gray.

Last action: 1/11, referred to House Judiciary.

ARS Titles affected: 98.

HCR2019: SINGLE SUBJECT; INITIATIVE; COURT REVIEW

Provides that the proponent of the initiative petition may choose to have a determination from the Supreme Court on whether the initiative contains

more than one amendment. Directs the Attorney General to request that the Arizona Supreme Court determine whether an initiative petition that proposes an amendment to the constitution contains more than one amendment and whether the electors may vote for or against such proposed amendments separately. Other provisions.

Primary sponsor: Rep. Knaperek. Co-sponsors: Rep. Biggs, Gorman, Groe, Pearce, Sen. Tibshraeny.

Last action: 3/15, from Senate Judiciary, do pass.

ARS Titles affected: 98.

HCR2020: SEPARATION OF POWERS; JUDICIAL LAWMAKING

Subject to voter approval, would prohibit the courts from establishing rules of law on a retroactive basis.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Biggs, Boone, Gorman, Gray, Murphy, Stump, Sen. Burns, Harper, Johnson.

Last action: 2/23, from House Judiciary, do pass.

ARS Titles affected: 98.

HCR2026: INDIAN CASINOS; LIQUOR LICENSE; JURISDICTION

Subject to voter approval, a gambling facility that holds a liquor license and that gambling facility's owners, officers, operators, employees, agents, vendors and patrons would be subject to the civil and criminal laws of this state and are subject to the jurisdiction of the courts of this state.

Primary sponsor: Rep. Smith. Co-sponsors: Rep. Allen, Gorman, Rosati.

Last action: 2/7, referred to House Rules.

ARS Titles affected: 99.

HCR2035: LIMITATION; ENFORCEMENT; FEDERAL IMMIGRATION LAWS (~~TECHNICAL CORRECTIONS; JUDICIAL BALLOT~~)

Referendum measure that prohibits any public entity from having any law, ordinance or policy, whether written or implied, that limits or prohibits the enforcement of any federal immigration law.

Primary sponsor: Rep. Jim Weiers.

Last action: 6/21, from Senate Judiciary amended.

ARS Titles affected: 97.

HCR2037: EMERGENCY MANAGEMENT; BORDER WALL

Referendum measure that would require Department of Emergency and Military Affairs (DEMA) to enter into contracts to construct a wall or related infrastructure along the southern border of Arizona to control illegal

immigration. Establishes the border security fund consisting of appropriations, gifts, grants and monies collected by the Arizona Department of Revenue from an 8 percent tax on all electronic transfers of monies into and out of Arizona from or to any foreign country.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Murphy, Sen. Gould, Martin, Verschoor.

Last action: 3/16, retained on House calendar.

ARS Titles affected: 26, 99.

HCR2036: ENGLISH AS OFFICIAL LANGUAGE

Establishes English as the official language of Arizona. Requires all official actions to be conducted in English. Specifies that "official action" includes the performance of any function or action on behalf of Arizona or a political subdivision of Arizona or required by state law, that appears to present the views, position or imprimatur of Arizona or the political subdivision or that binds or commits Arizona or the political subdivision. Exceptions, including law enforcement activities and emergency services.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Murphy, Rosati, Yarbrough, Sen. Martin.

Last action: 6/21, to Secretary of State.

ARS Titles affected: 98.

HCR2038: PUNITIVE DAMAGES AWARDS; FUND

Sought to amend the state constitution by requiring monies awarded for punitive damages be deposited in an account, with portions of the money designated for an amount that equals the actual expenses incurred on punitive damages research by the attorney representing the plaintiff; to a crime victim compensation program; to a crime victim assistance program; and to Child Protective Services for remedial or supplemental education for foster care children.

Primary sponsor: Rep. Murphy. Co-sponsors: Rep. Burges, Groe, Jerry Weiers.

Last action: 1/17, referred to House Judiciary.

ARS Titles affected: 98.

HCR2043: SENTENCING; THIRD FELONY OFFENSES

A referendum measure to amend Title 13 to impose a sentence of life (no less than 35 years) to a defendant who has been convicted of committing or attempting or conspiring to commit any violent or aggravated felony and who has previously been convicted on separate occasions of two or more violent or aggravated felonies or class 2, 3 or 4 felonies involving physical injury to a victim. Similar measure signed into law ([S1444](#)).

Primary sponsor: Rep. McLain. Co-sponsors: Rep. Allen, Barnes, Boone, Burges, Carpenter, Chase, Gorman, Groe, Nichols, Pearce, Pierce, Robson, Tully, Jim Weiers, Jerry Weiers.

Last action: 1/26, referred to House Judiciary.

ARS Titles affected: 99.

HCR2044: ILLEGAL ALIENS; VERIFICATION; EMPLOYMENT

Referendum measure that prescribes penalties for employers who fail to comply with specific employment laws, establishes an Immigration Ombudsman Citizens' Aide to receive complaints and provide immigration information to employers, requires an applicant for any license received from a state agency/political subdivision to provide a signed affirmation that the applicant has complied with all federal and state laws regarding the authorization for employment in the United States for all employees of the applicant. Other provisions. Similar measures proposed under [H2823](#), [S1215](#), [S1216](#), [S1513](#), [S1558](#).

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Allen, Anderson, Barnes, Biggs, Boone, Burges, Carpenter, Farnsworth, Gorman, Gray, Groe, Huffman, Knaperek, McClure, McComish, McLain, Murphy, Nelson, Nichols, Paton, Pierce, Quelland, Robson, Rosati, Smith, Stump, Tully, Jerry Weiers, Yarbrough, Sen. Bee, Blendu, Burns, Flake, Gould, L. Gray, Harper, Johnson, Martin, Verschoor, Waring.

Last action: 3/16, referred to Senate Commerce and Economic Development.

ARS Titles affected: 23, 41, 43.

HCR2049: POLICE TOOLS; CRIMINAL SUSPECTS; IMMUNITY

Subject to voter approval, exempts from civil liability for damages victims, law enforcement officers, the state or any political subdivision, or manufacturer of police tools when a person is harmed who is reasonably suspected of having committed a felony. Similar measure proposed as [SCR2018](#). Similar measure signed into law: [S1072](#).

Primary sponsor: Rep. Nichols. Co-sponsors: Rep. Burges, Chase, Gray, Huffman, Konopnicki, Mason, Murphy, Pearce, Pierce, Quelland, Stump, Jim Weiers, Yarbrough, Sen. Burns, Gould, Harper, Martin.

Last action: 3/21, House COW approved, amended.

ARS Titles affected: 97.

House bills vetoed by the Governor

H2005: FEDERAL MONIES; DEPOSIT

Directs any unrestricted federal monies, received May 1, 2005, through June 30, 2006, to be deposited in the state general fund to be used for the payment of essential government services.

Primary sponsor: Rep. Tully. Co-sponsors: Rep. Boone, Pearce, Pierce, Robson, Jim Weiers.

Vetoed by the governor, 1/18.

ARS Titles affected: 41.

H2006: APPROPRIATION; BUDGET STABILIZATION FUND

Appropriates, retroactive to July 1, 2005, \$314 million from the state general fund in FY 2005-2006 to the budget stabilization fund.

Primary sponsor: Rep. Tully. Co-sponsors: Rep. Boone, Pearce, Pierce, Robson, Jim Weiers.

Vetoed by the governor, 1/18.

ARS Titles affected: 41.

H2118: CHARTER SCHOOLS; FINGERPRINTING; PENALTIES

Sought to establish civil penalties for charter schools failing to comply with specified statutory fingerprinting requirements. Also required the Department of Public Safety (DPS) to issue a permanent fingerprint clearance card to a teacher employed by a school district or charter school on the teacher's second renewal of the card if certain criteria are met.

Primary sponsor: Rep. Anderson.

Vetoed by the governor, 4/25.

ARS Titles affected: 15.

H2191: COURT SETTLEMENTS; JLBC AND ATTORNEY GENERAL

Requires approval of the Attorney General and Joint Legislative Budget Committee (JLBC) to settle any claim that involves a consent decree, a claim for which a monetary amount is not prescribed and a claim that involves a change in a funding formula already in statute. Other provisions.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Gorman, Groe, Quelland.

Vetoed by the governor, 4/17.

ARS Titles affected: 12, 41.

H2373: INITIATIVE; SINGLE SUBJECT; SUPREME COURT

Establishes procedures for a petitioner of a citizen's initiative that proposes an amendment to the Constitution to obtain a determination as to whether the measure contains more than one proposed amendment. Conditions the enactment of this legislation on the passage of [HCR2019](#), which seeks to amend the Arizona Constitution at the next general election by establishing a procedure for the Court to determine whether an initiative to amend the Constitution contains more than one proposed amendment. (HCR2019 did not pass).

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Gorman, Groe, Quelland.
Vetoed by the governor, 4/24.
ARS Titles affected: 19.

H2559: JUVENILE HEARINGS; JURY TRIALS

Continues the option for a parent, guardian or custodian to request a jury trial for termination of parental rights for three years, and sunsets the jury trial option on January 1, 2010. Prohibits another action for termination of parental rights from being brought if, at the conclusion of a trial, the judge or jury does not terminate the parent's rights, unless the action relates to a new allegation or new information. Other provisions.

Primary sponsor: Rep. Anderson. Co-sponsors: Rep. Aguirre, Allen, Barnes, Bradley, Burns, Chase, Gray, Hershberger, Kirkpatrick, Knaperek, Lopez, McComish, Nichols, Rosati, Stump, Yarbrough, Sen. Blendu.
Vetoed by the governor, 6/28.
ARS Titles affected: 8.

**H2577: IMMIGRATION LAW; EMPLOYMENT; ENFORCEMENT
(~~ILLEGAL ALIENS; EMPLOYMENT; VERIFICATION~~)**

Striker amendment offered an omnibus immigration package combining several earlier proposals. Sought numerous changes relating to immigration policy, including: the employment of unauthorized workers; trespassing by illegal aliens; mobilization of the National Guard; border radar; prohibition against the award of punitive damages for those persons in violation of certain federal immigration laws; legal residency requirements for the family literacy, adult education, childcare assistance and financial assistance programs for public universities or community colleges; cooperation and assistance in enforcement of federal immigration laws by cities, towns and counties; use of verifiable identification documents; and expansion of the Gang Intelligence Team Enforcement Mission (GITEM). Establishes the Arizona Border Enforcement Security Team, the Border Security Fund and the Joint Legislative Committee on Immigration. Sought appropriation of more than \$100 million. Trespass measures included in [H2073](#), [H2582](#),

[H2589](#), [S1157](#), [SCR1039](#). Bills that included provisions to mobilize the National Guard for border security included [H2701](#), [S1296](#), [SCR1039](#)

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Allen, Anderson, Barnes, Biggs, Boone, Farnsworth, Groe, Nichols, Pierce, Smith, Sen. Burns, Gould, Harper, Johnson, Verschoor.

Vetoed by the governor, 6/6.

ARS Titles affected: 11, 12, 13, 15, 26, 41, 46.

[H2650](#): APPROPRIATION OF FEDERAL MONIES

Grants the legislature authority to appropriate noncustodial federal monies. If the Legislature does not appropriate, authority reverts to the state agency. Requires all noncustodial federal monies to be accounted for separately from other accounts or funds. Other provisions.

Primary sponsor: Rep. Murphy. Co-sponsors: Rep. Allen, Biggs, Burges, Gray, Groe, McComish, Nichols, Sen. Martin, Verschoor.

Vetoed by the governor, 4/28.

ARS Titles affected: 35.

[H2701](#): NATIONAL GUARD MOBILIZATION; BORDER

Requires the governor to mobilize the Arizona National Guard if the governor declares a state of emergency for the protection of the lives or property of citizens of this state resulting from unauthorized border crossing and illegal activity. Appropriates \$10 million from the state general fund in FY 2006-2007 to Department of Emergency and Military Affairs (DEMA) for expenses incurred by the National Guard related to this provision. Bills that included provisions to mobilize the National Guard for border security included [H2577](#), [S1296](#), [SCR1039](#).

Primary sponsor: Rep. Allen. Co-sponsors: Rep. Boone, Gorman, Gray, Knaperek, McComish, McLain, Murphy, Nichols, O'Halleran, Pearce, Pierce, Quelland, Stump, Jim Weiers, Jerry Weiers.

Vetoed by the governor, 3/9.

ARS Titles affected: 26.